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THE SOLICITORS' JOURNAL.

LONDON, JUNE 2, 1860.

CURRENT TOPICS.

A return relating to the Liverpool and Manchester District County Courts has just been presented to the House of Commons. It contains some curious statistics which may some day be of use. Thus we have returns of the fewest, and also of the greatest number of days allowed to intervene between the application for a summons, and the hearing of the case; the number of summonses returned not served, and the proportion of summonses issued and served to those issued and returned, but which are not served. In the Liverpool County Court, the number of commitment summonses issued in 1858 was 2977; in 1859, 3639; and up to the 29th April 1860, 1777. In the Manchester County Court the number of fraud or show cause summonses returned by the officers as not served was in 1858, 1522; in 1859, 1344; and up to the 29th of April, 1860, 441.

A paper which was read at the Law Amendment Society, on Monday evening last, suggests the incorporation of a law university, comprising the four Inns of Court, and the Incorporated Law Society. The main object of the writer was apparently to call attention to the numerous classes of persons in this country, outside the ranks of the profession, for whose education due provision ought to be made. These classes consist of diplomatists, consuls, the rural, and also the colonial, magistracy, and Indian writers. In the profession also, it is to be observed, that there is at present no institution in this country where our colonial judges may acquaint themselves with the laws peculiar to some of our colonies. The proposition is, that all the extra-professional persons whom we have referred to, and also both branches of the profession, should be educated together, so far as may be practicable, up to a certain point, in the same university. It is not proposed, however, to supersede the functions of the Inns of Court or the Law Institution. The plan appears to be, that students for the bar should continue to belong to the Inns of Court, and that the Inns of Court should retain their exclusive privilege of calling to the bar. In the same way the Incorporated Law Society might retain its present functions intact. But it is suggested that neither should the Inns of Court call to the bar, nor the Incorporated Law Society admit into the rank of attorneys, any person who had not qualified by passing an examination in general jurisprudence at the Law University. The notion seems to be suggested by the somewhat analogous case of the University of London and its affiliated colleges; so far, at all events, as it suggests contemporaneous studentship in the Law University and an Inn of Court or the Law Institution.

LAW OF EVIDENCE.—"INCOMPETENCY" OF WITNESSES.

The recent case of Mr. Hatch has drawn attention to the inconvenient operation of the rule which excludes the evidence of husbands and wives before our judicial tribunals.

In the early part of the reign of William IV., it was still the law that any man who had an interest, however minute, in the result of the cause, or in the record as an instrument of evidence, was not competent as a witness at the trial of the cause. On the most meagre suggestion of advantage, testimony was excluded; elaborate discussions, expensive arguments, and appeals to the full court from *nisi prius* were produced, until the suitor, heartsick and impoverished, must have been led to believe that courts of law were created, not for the enforcement, but for the perversion, of justice. By the 3 & 4 Will. 4, c. 42, the Legislature, with a timidity which is unaccountable to us with our experience, admitted as witnesses only those who were objected to, because the verdict or judgment would be admissible in evidence for or against them. Lord Denman induced the Legislature to take a still bolder step. It had been till then also the law, that the testimony of any one "who had been convicted of any offence inconsistent with the common principles of honesty and humanity," was incapable of being believed. By the statute 6 & 7 Vict. c. 85, it was enacted, "that no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence," provided that no party to any suit, or the husband or wife of such party, should be a competent witness. So beneficial were these measures found, that Lord Brougham ventured to propose, and succeeded in carrying in part, the repeal even of the exceptions contained in them.

By the 14 & 15 Vict. c. 99, parties to suits were made admissible witnesses; but it was declared that this should not apply to any suit instituted in consequence of adultery, or for breach of promise of marriage, and that no man charged in any criminal proceeding should be competent, or compellable to give evidence against himself, and no husband or wife on behalf of the other of them. The last alteration of the law was made by 16 & 17 Vict. c. 83, by which the husbands and wives of parties were at last made admissible witnesses; but the exceptions as regards criminal cases and suits in respect of adultery were retained. Another proviso was introduced to the effect that no husband or wife should be compellable to disclose any communication made during the marriage by the one to the other of them. The result of these legislative changes has been to sweep away a very comprehensive class of objections to witnesses, and to render useless a crowd of decisions, in which the ablest powers of man have been wasted, some in maintaining, some in contesting, some in deciding, the most subtle questions arising out of the quantity or quality of the interest which was sufficient to exclude a witness. They exist in print like the decisions on special demurrers, to be a warning to us, that the most powerful intellect, trained and developed by refining study, even when joined to humanity and truthfulness, are no certain safeguard against the perpetration of injustice. High minded, but mistaken men, defended forms which sheltered the vile, and wrung tears of distress from the honest.

Such has been the gradual progress of opinion in this branch of the law of evidence. The principle now adopted is to afford all possible sources of information for every judicial inquiry. Witnesses are no longer excluded because they may possibly, from interest, passion, or infamy, be tempted to perjury; but their evidence is admitted for what it is worth. Such, at least, is now the principle almost universally recognized. The changes we have enumerated have won their title to public approval in spite of the most gloomy anticipations. The timid, the pious, the conservative, firmly and sincerely supported the old law. Many even now assert the increase of perjury. We think, however, that any apparent increase is only an increase in appearance. Perjury has become more evident whenever it does take place. Under the old system, if a tradesman received or completed a customer's order *in propriâ personâ*, and afterwards needed to prove it in a court of justice, being himself prohibited from swearing to it, he oftentimes procured his pliant assistant or journeyman to remember

and prove the necessary facts. Perjury of this sort was frequent, but not evident. It must also be remembered that now, where one party to the suit confronts and contradicts another, the conflict of testimony is direct and notorious, and such cases are therefore likely to be exaggerated in number. Moreover, it seems demonstrable that by restricting the means of evidence you give the false and fraudulent undue advantage over the honest and truthful. The former, though himself debarred equally with the latter from being witness in his own cause, has still at his command all the shifts that fraud and falsehood furnish to fill his place; while, by closing the mouth of the latter, you probably deprive him of his sole evidence, and leave him defenceless to imposition and villany. Some such considerations as these may reconcile to modern changes those opponents whose only desire is to serve the cause of truth.

If, then, it is wise to afford to the judges of fact every means, good, bad, or indifferent, of arriving at the truth, what can be said in defence of the remaining instances of witnesses who are excluded on account of interest or sympathy? These are, as we have shown, but few. 1. No party to any suit for breach of promise of marriage or in respect of adultery can give evidence.* 2. In criminal trials neither the defendant nor his wife is competent or compellable to give evidence for or against himself or herself, or the one for or against the other. The first, perhaps, is somewhat intrenched in our selfish fears as men (since women are mostly the plaintiffs in such actions), lest foolish promises, recklessly made and frequently repented of, should be easily proved, or designing women may sometimes falsely swear. We forget that there are scoundrels among men, and that excluding a woman from being her own witness may screen the basest of the rougher sex. Why should men not protect themselves against falsehood in this respect, as they do in every other matter of life, by their prudence and circumspection? A rule which is anomalous, and which clearly may, and doubtless does sometimes work injustice, requires the strongest reasons for its maintenance. To protect those who are not proved to require protection, cannot surely be sufficient. In cases of adultery perhaps there is more speciousness in the defence of the exclusion. Social position and character, possibly also fortune and power, all in one scale, will often outweigh the love of truth. Still there are the penalties of the law to threaten the perjured. A man generally will not venture upon a false oath unless it will decidedly clear him. Yet there are few cases in which adultery is not proved by a variety of circumstances which would make it unsafe for a defendant to venture on a flat denial, and so run the risk of indictment for perjury. The probable result of removing this ground of exclusion would be, that a defendant innocent of the imputed wrong would gladly avail himself of the chance to be witness for himself; but the guilty one would shrink from swearing, when he would probably not be believed, but would incur the danger of being punished as a criminal. Moreover, the English law is not consistent on this head. The parties, complainant and defendant, may be, and frequently are, examined in cases of bastardy. Can anyone point out any valid distinction between these instances? The same motives to deny or invent exist in each. They are almost identical. Take another case, that of seduction; here with the same motives to mislead, deceive, or conceal, the defendant and the woman who is really, though not actually, party to the suit may be examined as witnesses; and, strange to say, the woman may actually, notwithstanding what we have pointed out above, give evidence of a promise of marriage as the means by which her ruin was procured, the effect of which is to heighten the damages. As, therefore, we find that in other analogous instances the law of England admits and encourages the examination of the parties having a strong temptation to utter falsehood; that this is done, moreover, without any ill consequence, calling for correction; that, in fact, the truth is thereby made more manifestly to appear—we may surely conclude it is high time that the exclusion in cases of adultery and breach of promise of marriage should be abolished.

But what are the arguments against admitting the wife or husband, the one for or against the other in criminal cases, or the prisoner himself as a witness? It is said to be harsh, unfair, and against the policy of domestic life to compel the wife to give evidence against her husband. Yet in all cases of violence done to herself by her husband, she has always been admissible to prove it against him. The same policy should, if well founded, protect the parent from the evidence of a child, a brother against his sisters'. Surely these relationships yield but little in warmth and depth of feeling to that between husband and wife! Besides, who is it we desire to protect? The criminal? Surely he is not entitled to consideration. He may have brought himself into the difficulty by his own acts. In pity to the wife then? She is not very likely to be often called as a witness by a prosecutor, except in extraordinary cases. Relatives are rarely brought against relatives; for we all know, how, without perjury, they may give, as adverse witnesses to the prosecution, a favourable turn to the most deadly evidence. We call to mind an instance of the trial of a man for the murder of his father. He was tried at Chester two years since, under circumstances of the strongest suspicion, nearly amounting to absolute proof. His mother and sisters were called as witnesses against him, and by the turn they gave to their evidence, they created doubt enough to acquit the prisoner. The strongest argument for the change is, that in several recent instances the wife's evidence might have proved the innocence of the husband. But of course she could not be a witness for him without being subjected also to the compulsion of appearing if called against him. Here, again, appears some inconsistency in our law. On the trial of Mr. Hatch neither he nor his wife could give evidence. He afterwards indicts his accuser, and then both he and his wife are allowed to be witnesses to prove the perjury. Surely this is, to all intents, the being a witness, and calling his wife as a witness, for himself. The inducements to speak falsely were certainly as great on the second trial—perhaps greater—than they would have been on the first. In two instances on the last Northern Circuit the wife, if allowed to be called, could have proved the innocence or the guilt of the husband.

As to the prisoner himself the judges allow practically the privilege which the law denies; for the prisoner is always invited to speak on his own behalf, and generally, especially if he be experienced, avails himself of the permission to utter a long story, often a gross tissue of lies, which, owing to his plausibility, occasionally blinds a jury. Yet the counsel for the prosecution may not cross-examine him, and test the truth of his statements. Perhaps the repugnance which is so generally felt to examining the prisoner, arises from our horror of the manner in which this is done by our French neighbours, and the maxim, so deeply rooted in all our minds, that the Crown is bound to make out the prisoner's guilt; whereas, by the change proposed, it might be said to do so with the assistance of the prisoner. As to the mode of conducting the examination, that might be done in the same way and to the full as decorously, as in the case of ordinary witnesses. That innocent men in a few instances could, by their own or their wife's testimony

* The Legislature has made two amendments recently on this subject, which we think it right to mention, though they do not affect the propositions in the article. By 21 & 22 Vict. c. 108, sect. 11, the co respondent in a suit for divorce may be dismissed from the suit by the Court, and then called as a witness. By 22 & 23 Vict. c. 61, sect. 6, in a suit by the wife for divorce on the grounds of cruelty and adultery, the wife may prove the cruelty, but the cruelty only. In the case of a suit for judicial separation on the same grounds, by some oversight the wife was not made an admissible witness.

have proved their innocence, appears to us to outweigh the apparent cruelty of convicting men whom it is a benefit to society to detect and punish, and who are, by their defiance of its laws, but little entitled to mercy at its hands.

It is notorious, besides, that many a culprit escapes by reason of the appeal which is so frequently made by his counsel, that his client's mouth is closed. It probably will be long before the public opinion will sanction the interrogation of a criminal. Still, it behoves all to receive and weigh the arguments for such a change, and to come to some decision on the subject. With regard to the other remaining grounds of exclusion we first touched on, we submit that they are anomalous and mischievous. One of them has produced incalculable suffering to an innocent man; and it is to be hoped that the public mind, shocked by such an occurrence, will yield in this respect to what we believe the safe suggestions of experience.

JURISDICTION IN WINDING-UP COMPANIES IN EXISTENCE PRIOR TO REGISTRATION.

A point of some importance, involving a question of jurisdiction, relative to the winding up of Joint Stock Companies, under the Acts of 1856 and 1857, has lately been decided by the Lords Justices. The question turned upon the construction of the 2nd and 4th clauses of the 60th section of the Joint Stock Companies Act, 1856, and was induced in some measure, by the interpretation given by the Vice-Chancellor Kindersley to a decision of the full Court of Appeal, in *Lofthouse's* and *Birch's cases*, in the matter of the *Welsh Potosi Lead and Copper Mining Company, Limited*, 2 De G. & J. 69.

The Welsh Potosi Company was registered in June, 1857, as a "limited" company, under the Act of 1856, and in the following month an order was made to wind up the company in bankruptcy. In January, 1857, within the year prior to the commencement of the winding up, to which the liability of persons ceasing to be shareholders, was extended by the 63rd section of the Act, Mr. Lofthouse, who had been an original shareholder, transferred his shares, according to the requirements of the cost book, and the name of the transferee was entered in the share register of the company. The Commissioner in Bankruptcy placed Mr. Lofthouse's name upon the list of contributories, but upon appeal it was struck out. Birch's case was somewhat similar, the only difference being that Mr. Birch had relinquished his shares, in pursuance of the cost book rules, in favour of the company, prior to registration, and his name also was removed from the list of contributories. A petition was subsequently presented to the Court of Chancery, praying that the company, in its "unlimited" character, as it existed prior to registration, might be wound up under the winding-up Acts 1848 and 1849. The Vice-Chancellor Kindersley, in making the order, is reported to have expressed himself "quite sure" that the Lord Chancellor and the Lords Justices, in *Lofthouse's case*, as reported 27 L. J. Bank. 1, and Birch's case, ib. 4, intended to decide distinctly that the Court of Bankruptcy had no jurisdiction to wind-up the company in its unlimited character; so that, unless the Court of Chancery had jurisdiction to wind-up the company, as it existed prior to registration, there could be no jurisdiction to wind it up at all; and also that by the construction put upon the 63rd section by the Appellate Court, it did not apply to a person who was not an existing shareholder at the time of registration; or, in other words, that this 63rd section had no retrospective effect. Relying upon this decision of the Vice-Chancellor Kindersley a petition was presented to the Court of Chancery under the Winding-up Acts, 1848, 1849, to wind up the Plumstead, Woolwich, and Charlton Consumers Pure Water Company as a company registered under the 7 & 8 Vict. c. 110, in its unlimited character; and a second petition was presented to the Court of Bankruptcy simultaneously to wind up the limited portion of the company in that court, under the provisions of the Joint Stock Companies Act, 1856, under which it was registered as a limited company. Upon the hearing of the former petition it was suggested that the Court had full jurisdiction to wind up the company, as well in its limited as in its unlimited character, under clause 4 of the 60th section of the Joint Stock Companies Act, 1856; and the Vice-Chancellor Kindersley having assented to that suggestion, made the order accordingly. This order of the Vice-Chancellor was impugned in proceedings taken by the official manager in the same matter before the Master of the Rolls, and the whole question afterwards went before the Lords Justices by way of appeal. Their Lordships decided that a company in existence as an unlimited company prior to, but registered under the Joint Stock Companies Act, 1856, as "limited" comes within the 2nd clause of the 60th section of the former Act as a company to be wound up in bankruptcy. The principle upon which the Court seems to have founded its decision was that the Joint Stock Companies Act, 1856, s. 60, took away from the Court of Chancery the jurisdiction in respect of companies registered under it as "limited" companies, and transferred the winding-up of all such companies to the Court of Bankruptcy, and that it was immaterial to consider their status as they existed before registration, so long as they were registered as of limited liability; and their Lordships arrived at this conclusion from the context and repealing sections of the Act of 1856—viz., sect. 107 as amended by sect. 23 of the Joint Stock Companies Act, 1857, considered in connexion with sects. 59 & 60. This construction certainly appears to have been the intention of the Legislature in the clauses above referred to, for the repealing clauses are not to come into operation with regard to companies registered under the 7 & 8 Vict. c. 110, until they are registered under the Act of 1856 (s. 107), and immediately after registration under this latter Act, the provisions of the Joint Stock Companies Winding-up Acts are not to apply (s. 108). So that unless the whole company, though unlimited prior to registration, can, after registration as a limited company under the Act of 1856 be brought within the provisions of that Act, there can exist no jurisdiction whereby the unlimited portion of such company can be wound up, unless it be the Court of Chancery. A conflict of jurisdiction must in that case constantly occur between the Court of Chancery and the Court of Bankruptcy; and it is easy to conceive the numerous difficult and complicated questions that must inevitably arise between the official manager on the one side, and the official liquidator on the other, as also between them and their respective creditors and contributories. The case in fact had hardly arisen. In the *British Bank case* it was a race of jurisdictions rather than a conflict; and in the *London and Eastern Banking Corporation case*, the Court of Chancery had taken the initiative; and the only question was, whether it did not oust the jurisdiction of the Court of Bankruptcy, and the full Court of Appeal decided that it did not, and that both proceedings might go on together; but it was ordered that the winding up in bankruptcy should be ancillary merely, and subsidiary to that in the Court of Chancery. The double winding up in the *Welsh Potosi Mining Company's case* originated in a misconception, as was stated of the decision of the Appellate Court in *Lofthouse's* and *Birch's case*, to which the Lords Justices referred in their judgment in the *Plumstead Water Company's case*. In *Lofthouse's case* the Court laid it down that a "holder of shares" meant a holder of shares after the liability had arisen under the operation of the Act, and consequently, as Mr. Lofthouse had ceased to be a partner long before the company was registered under the Act of 1856, he was not a holder of shares within the meaning of the 19th section, and that the liability attaching to him as a former shareholder

under the 63rd section, was not such a liability as would entitle his partners to place his name on the list of contributories. On the other hand, it certainly is somewhat difficult to reconcile some of the observations of the learned judges in that case with the decision of the Lords Justices in the *Plumstead Water Company's case*, which was that the Court of Bankruptcy alone has jurisdiction to wind-up a company, formerly unlimited but subsequently registered as a limited company. The Lord Chancellor is reported to have said in *Lofthouse's case*, that the contrary construction (to that at which their Lordships had arrived) would lead to "injustice, for it would enable the former partners of a shareholder by registering the company after he has ceased to be a partner, to increase and alter his liability:" and the Lord Justice Knight Bruce expressed his opinion that he did not consider the commissioner in bankruptcy had jurisdiction to place Mr. Lofthouse on the list of contributories. It may fairly be contended that if under the 62nd & 63rd sections of the Act of 1856, a former shareholder is to be regarded for the period specified in each section to be an existing shareholder for the purposes of contribution towards the debts of the company, and the costs of winding it up, he must be liable for something, and would therefore be a contributory to that amount, and if so, why should not the commissioner in bankruptcy have jurisdiction, if he have jurisdiction over the whole company in winding it up, to place his name upon the list? Again, by the 60th section of the Act of 1856, clause 4, having already provided in the previous clauses for winding-up mining companies in the stanneries, for limited companies registered in England, and limited companies registered in Ireland, enacts that in all cases not therein provided for, the court shall mean the Court of Chancery in England and Ireland as respects companies registered in England or Ireland respectively, and the court of session in Scotland as respects companies registered in Scotland. This latter clause certainly is large enough to take in those companies which like the *Welsh Potosi* and the *Plumstead Water Company* partake of a sort of hybrid character as well as those which are registered as "unlimited," these being the only two kinds of companies upon which this clause can operate, inasmuch as all companies not within the exception contained in the 4th section of the Act of 1856, must be registered thereunder.

Other questions arose in this case as to time, &c., which it is unnecessary to notice; but it may not be without its use to advert to one point respecting the costs of the official manager. He was appointed in December, 1858, and under the authority of the Vice-Chancellor he filed a bill against the defendant, the lessor of the premises, upon which the company's works were erected, who at the hearing of the cause in February last, before the Master of the Rolls, objected that the order of the Vice-Chancellor was invalid, and that the official manager did not sustain the character which alone could entitle him to institute the suit. It was in evidence that the defendant had appeared when the order for winding up the company was made, and consented thereto, and had acquiesced in the proceedings since taken thereunder. The Court took time to consider its judgment, and having consulted with the Vice-Chancellor, held first that the matter was open and fit to be considered; and secondly, that upon consideration the objection must prevail, and dismissed the bill. The official manager appealed against this decision, and there being another petition of appeal against an order of the Commissioner in Bankruptcy, who had dismissed the petition, for winding up the limited portion of the company in bankruptcy, on the ground that the Vice-Chancellor's order still remained undischarged, and to avoid being brought into conflict with the Court of Chancery, and also a motion by way of appeal to have the opinion of the Court upon the validity of the Vice-Chancellor's order, all three appeals came on for hearing together. The Lords Justices upheld the decision at the Rolls, and regarded the Vice-Chancellor's order as a nullity, and as though it had never been made. Their Lordships were much pressed by the hardship inflicted upon the official manager as an officer of the Court by these proceedings; yet notwithstanding that, they declined to give him his costs. This, doubtless, was a great hardship upon the official manager, who must be regarded as a trustee, and who, having acted by direction of the Court (he would have incurred a contempt had he declined), was entitled to his costs. The Court, probably, would have given him his costs out of the estate if there were any; but there being none, the order for costs must have been either against the petitioners in Chancery and Bankruptcy personally, or not at all; and that would have been a great hardship upon the petitioners, who had been brought into these proceedings through an inadvertence not their own. This might have been the reason why the Court refused to give any costs whatever. Still it is unsatisfactory that an officer of the court should be required to institute proceedings, and upon his failing therein should be mulcted in his costs.

The Courts, Appointments, Promotions, Vacancies, &c.

COURT OF QUEEN'S BENCH.

(Sittings in Banco, before Lord Chief Justice COCKBURN, and Justices WIGHTMAN, CROMPTON, and BLACKBURN.)

May 28.—*The Queen* v. *Legg*.—In this case, the Court had granted a rule calling upon a Mr. Legg to show cause why an information in the nature of a *quo warranto* should not be exhibited against him to show by what authority he claimed to exercise the office of chairman of the Leeds Board of Guardians.

The SOLICITOR-GENERAL (with whom was Mr. *West*) now showed cause against the rule, and stated that the first meeting of the newly-elected guardians was held on the 25th of April last, when a question arose as to the election of a chairman for the ensuing year. Mr. Legg, who had been chairman of the board during the preceding year, claimed to act as temporary chairman till the new chairman should be chosen; and a motion having been moved that Mr. Legg should be the new chairman, the votes were equal, and Mr. Legg, who had put the question to the vote, gave a second or casting vote, in favour of himself, and so decided the election in his favour. The validity of this election was disputed upon the ground that Mr. Legg had no second or casting vote. The statute 12 & 13 Vict. cap. 109, sec. 19, enacted that the chairman of a board of guardians should have a second or casting vote; and the question really was, whether Mr. Legg was the chairman of that meeting. Nothing could be more convenient than that the old chairman should continue until a new one should be appointed.

Mr. Justice CROMPTON intimated that that question was too doubtful to be decided on a motion.

The SOLICITOR-GENERAL then contended that this was not a case in which a *quo warranto* would lie. In the case of the *Aston Union* (6 A. & E. 784), the Court held that a *quo warranto* would not lie against a guardian.

Mr. Justice CROMPTON said that was before the case of *Darly* v. *The Queen*, in the House of Lords (12 Cl. & F.), had corrected the law upon that subject.

The SOLICITOR-GENERAL admitted that there was a question to be argued, as to whether the writ would lie, and proceeded to contend that the relators had so acted by deliberately taking part in the election that they were prevented from coming to this court. It was true that they had protested, but, as they had taken part in the election they were concluded.

Lord Chief Justice COCKBURN said there had been no irregularity till Mr. Legg gave a casting vote, and then they protested.

Mr. *Bliss*, *Q.C.*, appeared to support the rule; but he was not called upon.

The Court made the rule absolute.

BUSINESS OF THE COURT.—In consequence of the great amount of business in this court at the present time, it will become a question for serious consideration whether the sitting of a judge in the Bail Court, as provided for by the 1st Will. 4, c. 70, shall not be revived as a regular proceeding. At the present time, there are about fifty cases in the New Trial Paper waiting for argument; but, owing to the press of other business, very little progress can be made, so that the new trials granted in Easter Term last have not yet been reached. This state of business will render sittings in *banco* after term necessary; but even then it will be impossible to clear off the arrears. It may also be observed that the entry of causes for trial is very large both in Middlesex and London; and that sittings *in banco* after term will be extremely inconvenient both to the public and the bar, whose attendance will be required in the numerous *nisi prius* courts then sitting. The jurisdiction of this court has been greatly increased of late by law reforms, county court appeals, and appeals from the summary decisions of magistrates; and thus a great pressure of business is occasioned, for which there seems to be no remedy but the appointment of an additional judge and the revival of the Bail Court as a permanent court.

COURT OF EXCHEQUER.

(Sittings in Banco, before the LORD CHIEF BARON, Mr. Baron BRAMWELL, and Mr. Baron CHANNELL.)

May 28.—*Fiddey* v. *Oxlade*.—This was an action to recover the amount of an attorney's bill, tried before the under-sheriff, when the defendant obtained a verdict.

It appeared that the plaintiff was employed by the defendant to sue a person named Passmore upon a bill of exchange, and accordingly took proceedings under the new Bills of Exchange Act. The last of the twelve days occurring on a Sunday, the plaintiff signed judgment on the following day, and issued execution. An application was made to Mr. Justice Keating at chambers to set the execution aside, on the ground that the twelve days allowed by the statute for appearing had not expired, Sunday being a *dies non*. His lordship accordingly made an order setting the judgment aside. When the present action was tried, the defendant set up the plaintiff's negligence as a defence to the action. The under-sheriff told the jury that it was clear upon the judge's order that the plaintiff was in error; but it was for them to say whether he had been guilty of negligence or not. The jury ultimately found for the defendant.

Mr. *Patchett* now moved for a rule for a new trial, upon the ground of misdirection, and that the verdict was against evidence.

The Court granted a rule to show cause.

MIDDLESEX SESSIONS.

(Before Mr. PAYNE.)

May 29.—Robert Gardner, 22, was indicted for stealing the sum of 16*s*. 6*d*., the moneys of James Barfield.

The evidence adduced in support of the charge seemed clear beyond all doubt or question, and eleven jurors agreed to a verdict of "Guilty;" the twelfth declared he would not agree to such a verdict, even were he locked up for six months. He had made the same declaration in another case, equally clear, on a previous day. The prosecutor was a labouring man, and lodged at the White Lion at Acton, and on the night of the 11th of May the prisoner slept there, in the same room with him. When Barfield went to bed he had in his purse three half-crowns, three florins, and 3*s*., making 16*s*. 6*d*. Next morning purse and money were gone, and the prisoner too. The prisoner was found and accused of the theft; he said he had only 3*s*. about him, and that sum was found in his tobacco-box. He was very reluctant to be searched; but the policeman insisted, and in his watch fob he found three half-crowns and three florins, which with the 3*s*., made up the precise sum, and in exactly the same description of coin, which the prosecutor had lost from his pocket. The prisoner had been without money just before, and he accounted for his possession of this silver by saying a brother of his had lent him a sovereign a week previously; but he could not say where his brother could be found.

When Mr. PAYNE had summed up, the dissentient juror said he would never agree to a verdict of "guilty," as none of the coins had been identified by marks.

Mr. PAYNE said that was not necessary, if they believed upon the evidence that the money, from the description of coin and the amount, was the prosecutor's.

The juror said that did not matter, and he should hold out for six months if necessary.

Mr. PAYNE said he had no alternative but to have the jury locked up; which was accordingly done.

After the lapse of some hours they were sent for and brought into court, when the foreman said there was not the slightest chance of their agreeing, and suggested that it was the opinion of some of the jury who were acquainted with the dissentient juror that his mind was affected.

The juror indignantly denied this, and said his constitution had suffered through calamity, but his mind was all right; he was there sworn to act according to his conscience, and he should do so.

A juryman said he was aware of some circumstances in connexion with Mr. —— (the juryman), of a very painful nature, which it was believed had affected his mind to some extent, but which in no way reflected upon him. He was at first sorry to see Mr. —— on the jury, but did not, from a delicate feeling of sympathy, mention the matter, or he might have prevented him being put in the box. It was very hard upon the eleven, who had agreed, to be locked up as prisoners because one held out through obstinacy.

The juror said it was nothing of the kind. His mind was quite correct, though he might have suffered misfortunes.

The other juror remarked that the same thing had occurred before.

The dissentient juryman.—Yes, eleven of you were for acquitting, and I was for convicting, but as you were on the side of mercy I gave way; eleven of you are now for convicting, I am for acquitting, and as I am on the side of mercy I shall not give way.

Mr. PAYNE said juries must act with a view of justice according to the evidence, and not go against evidence out of considerations of mercy. They must either find the man guilty or not guilty, or the intermediate course must be taken of discharging them without giving a verdict at all; and that could only be done upon proof that a longer confinement would be injurious and dangerous to their health. They must go back to their room.

Before they retired the dissentient juror protested against one juror getting up in the box and publicly stating that a fellow juror was out of his mind. He was not out of his mind, though his constitution had suffered, and the assertion that he was not of sound mind was not only untrue but a most ungentlemanly one to make.

After the jury had been confined for eight hours under lock and key without refreshment it was stated that one of them was suffering from disease of the heart, and was very unwell. Mr. Payne thereupon sent for Mr. Lavies, the surgeon to the Westminster Prison, who examined the juryman in question, and stated on oath that from the symptoms he perceived and the statements the gentleman made, he believed a longer confinement might result in a fit, which would place his life in eminent peril.

Mr. PAYNE said upon this he should discharge the jury from giving a verdict, and the prisoner would be tried again next sessions.

GUILDHALL JUSTICE ROOM.

May 26, 1860.—Mr. *E. Benham*, Solicitor, of 18, Essex-street, Strand, said, "I have to ask permission of the bench to intrude for one minute upon the business of the court. It appears from one of the public newspapers which I hold in my hand, that an application was made at this court a few days since for a summons against a person spoken of as 'Mr. Benham,' and described as 'the legal adviser' of some absconding bankrupt. As I am the only attorney of the name of Benham, and the only person of the name appearing in the *Law List*, and as my practice is of a very different character to that described in the case I have referred to, it is very mortifying to me to be mistaken for a person who is concerned for an absconding bankrupt, and against whom a charge of conspiracy has been made. I have, therefore, to ask permission to state publicly that I am not the person against whom the charge was made, and that the person against whom the charge was made is not an attorney."

Alderman Salomons.—I am afraid I can afford you no redress; but the press, which represents the public, will, I have no doubt, publish your disclaimer.

Mr. *Benham*.—I seek no redress; I merely wished to make the statement publicly, and I am much obliged to you, sir, for affording me the opportunity.

SOUTHWARK POLICE COURT.

June 1.—A gentleman connected with the press, whose name did not transpire, but who stated himself to be a parliamentary reporter, waited upon Mr. Burcham, to ask for a summons against a duly licensed cab-driver, under the following singular circumstances:—

Applicant said that a few days ago he was engaged by several of the morning papers to report a meeting of some importance; and after he had transcribed the copy ready for sending round, he found that he had another engagement the same evening at the house, and that he had not time to deliver his copy. He accordingly called a cab off the stand, and hired the driver to deliver to each paper a separate copy, which was properly directed; and to ensure his punctuality and honesty, paid him more than his ordinary fare would have been. The cab-driver promised to fulfil the engagement and received the money, and he (applicant) proceeded to his other business. On the following morning, on looking at the papers, he was surprised at not seeing his meeting in, and on going round to the offices he ascertained that none of the copy had been left, and besides getting into an unpleasant position, he had lost between six and seven pounds. He now wished his worship to grant him a summons against the cabman for not fulfilling his engagement.

Mr. Burcham said he was very sorry to say he could not help him in this court. It was a breach of contract, and he must proceed against the driver in the County Court.

We understand that Lord Chief Justice Cockburn has appoined J. Hibberd Brewer, Esq., of the Midland Circuit, to the Mastership of the Queen's Bench, which became vacant upon the death of Sir Fortunatus Dwarris.

Mr. Charles Brown, of Maidenhead, in the county of Berks, has been appointed a commissioner to administer oaths in the Court of Chancery.

Mr. Malim Messiter, of Frome, has been appointed a commissioner to administer oaths in the Court of Chancery.

Parliament and Legislation.

HOUSE OF COMMONS.

Thursday, May 31.

Bankruptcy and Insolvency.

Petitions were presented by Mr. Bowyer, from Mr. W. Cobbett, against this Bill, and by Colonel Smyth, from the attorneys and solicitors practising in York, praying that local jurisdiction may be conferred upon the county courts; and by Mr. Murray, from solicitors of Stoke-upon-Trent, Burslem, Longport, Hanley, Shelton, Tunstall, and Newcastle-under-Lyme, stating that the establishment of a district court of bankruptcy at Birmingham had proved a source of great inconvenience to the trading community in the Staffordshire potteries, and the borough of Newcastle, a great hardship on bankrupts, and praying that provision may be made in this Bill for establishing a court within the above district.

Habeas Corpus.

A petition was presented by Mr. Bouverie, from Dumbarton, for an amendment of the law of habeas corpus, to protect children from seizure by Romish priests.

Sir John Barnard's Act (Repeal).

This Bill was read a third time and passed.

NOTICES OF MOTION.

HOUSE OF LORDS.

Monday, June 4.

Trustees, Mortgagees, &c.

Committee on re-commitment.

Ecclesiastical Courts Jurisdiction.

Report of amendments.

Petitions of Right.

Third reading appointed for Tuesday, the 12th of June.

Law and Equity.

The Lord Chancellor.—To move that this Bill be referred to a select committee.

Tuesday, June 5.

Prevention of Cruelty to Animals.

Second reading appointed.

The following Bills are waiting for the second reading:—

Transfer of Real Estate.

Plea on Indictment.

Law and Equity.

The following Bills have been sent to the House of Commons:—

Law of Property.

Indictable Offences (Metropolitan District).

Court of Chancery.

Joint Stock Companies, 1860.

Attorneys, Solicitors, and Certificated Conveyancers.

Divorce Court.

Offences against the Person.

Larceny, &c.

Forgery.

Malicious Injuries to Property.

Coinage Offences.

Accessories and Abettors.

Criminal Statutes Repeal.

HOUSE OF COMMONS.

Thursday, May 31.

Transfer of Real Estates.

The bringing in of this Bill was deferred until the 14th of June.

Law of Property.

Mr. Murray gave notice that on the consideration of this Bill as amended, he would move the following clauses:—

The provisions contained in the 1st and 2nd sect. of the Act of the 22 & 23 Vict. c. 35, shall be taken to restrict (in like manner as enacted with respect to a licence), the operation of any release, made since the passing of the same Act, for the purpose of permitting or authorising any act to be done, which without such release, would create such forfeiture, or give such right of reentry as in the same sections respectively are mentioned; and also to extend since the passing of the same Act, to the following instruments:—

Every licence or release to the heirs, executors, or administrators of the lessee, in like manner as if the same were given or made to the lessee or his assigns.

And where the power or condition of re-entry in relation to which such licence or release shall be given or made, is contained in any defeasance to any lease in like manner as if the power or condition were contained in such lease. And also where the matter or thing intended to be by such licence or release permitted or authorised is a default in like manner as if the same were an act to be done.

That the provisions contained in the first eight sections of the Act shall be applicable to every description of grants and assurances of land; and that the words "lessor" and "lessee" shall be construed to include also all grantors and grantees respectively, and those claiming under them.

That clauses 4, 23, 27, & 31, of the Act shall operate retrospectively.

That clause 26 shall extend to all persons making any

payment, or doing any act *bonâ fide* under a power of attorney, and the said clause shall operate retrospectively.

The order to take an account of the debts and liabilities affecting the personal estate of a deceased person under this Act, may be made immediately, or at any time after probate or letters of administration shall have been granted; and such order may be made either by the Court of Chancery upon motion or petition, of course, or by a judge of the said court sitting at chambers, upon a summons in the form used for originating proceedings at chambers, and after any such order shall have been made, the Court or judge may, on the application of the executors or administrators by motion or summons, restrain or suspend, until the account directed by such order shall have been taken, any proceedings at law against such executors or administrators, by any person having, or claiming to have any demand upon the estate of the deceased, by reason of any debt or liability due from the estate of the deceased, upon such notice, and terms, and conditions (if any) as to the Court or judge shall seem just; and the judge in taking an account of debts and liabilities, pursuant to any such order, shall, on the application of the executors or administrators, be at liberty to direct that the particulars only of any claim or claims which may be brought in pursuance to any such order, shall be certified by his chief clerk, without any adjudication thereon, and any notices for creditors to come in which may be published in pursuance of any such order, shall have the same force and effect as if such notices had been given by the executors or administrators in pursuance of the twenty-ninth section of the Act.

PENDING MEASURES OF LEGISLATION.

MALICIOUS INJURIES TO PROPERTY ACT AMENDMENT.

Summary of the Bill to amend an Act relative to Malicious Injuries to Property.

1. Any person unlawfully pulling down, damaging, or stopping, obstructing or hindering the working of any steam or other engine, or of any appliance or apparatus in connexion therewith, for working mines, with intent to destroy or damage such mine, or to delay the working thereof, shall be guilty of felony, and on conviction shall be liable to the same punishments as may be awarded for either of the offences named in sect. 6 of 7 & 8 Geo. 4, c. 30.

2. Felony punishable under this Act committed within the jurisdiction of the Admiralty of England and Ireland, to be determined in the same manner as any other felony committed within that jurisdiction.

FORGERY.

Summary of the Bill (as amended by the select committee) ntituled "An Act to consolidate and amend the Statute Law of England and Ireland relating to Indictable Offences by Forgery."

1. Forging the great seal, privy seal, &c., a felony; and persons on conviction liable to penal servitude for life, and for a term of not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

2. Persons forging transfer of stock, and power of attorney relating thereto, guilty of felony; and offender liable to same punishment.

3. Personating the owner or certain stock, and transferring or receiving or endeavouring to transfer or receive the dividends, a felony; and offender liable to same punishment.

4. Forging attestation to power of attorney for transfer of stock, &c., a felony; and offender liable to same punishment.

5. Making false entries in the books of the public funds, a felony; and offender liable to the same punishment.

6. Clerks of the bank making out false dividend warrants guilty of felony; and liable to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

7. Forging an East India bond a felony; and offender liable to be kept in penal servitude for life or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

8. Forging exchequer bills, bonds, and debentures, a felony; and offender liable to the same punishment.

9. Making plates, &c., in imitation of those used for exchequer bills, &c., a felony; and offender liable to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

10. Making paper in imitation of that used for exchequer bills, &c., a felony, and offender liable to the same punishment.

11. Person having in his possession paper, plates, or dies to be used for exchequer bills, &c., guilty of a misdemeanor, and liable to be imprisoned for any term not exceeding three years, with or without hard labour

12. Forging a bank note, &c., a felony, and offender liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

13. Purchasing, or receiving, or having forged bank notes, a felony; and offender liable to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, —or to be imprisoned for any term not exceeding two years, with or without hard labour.

14. Making or having mould for making paper with the words "Bank of England," or "Bank of Ireland," or with curved bar lines, &c., or selling such paper, a felony, and offender liable to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

15. Nothing herein contained to prevent persons from issuing any bill of exchange or promissory note having the amount thereof expressed in guineas, or in a numerical figure denoting the amount thereof in pounds sterling, nor from making, using, or selling any paper having waving or curved lines or any other devices in the nature of watermarks visible in the substance of the paper, not being bar lines or laying wire lines, provided the same are not so contrived as to form the groundwork or texture of the paper, or to resemble the waving or curved laying wire lines, or bar lines, or the watermarks of the paper used by the Banks of England and Ireland.

16. Engraving or having any plate, &c., for making notes of Bank of England or Ireland or other banks, or uttering or having paper upon which a blank bank note, &c. shall be printed, a felony; and offender liable to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

17. Engraving on a plate, &c., any word, number, or device, resembling part of a bank note or bill, or using or having any such plate, &c., or uttering or having any paper on which any such word, &c., is impressed, a felony; and offender liable to same punishment.

18. Making or having mould for making paper with the name of any banker, or making or having such paper, a felony; and offender liable to same punishment.

19. Engraving plates for foreign bills or notes, or using or having such plates, uttering paper on which any part of any such bill or note is printed, a felony; and offender liable to same punishment.

20. Whosoever, with intent to defraud, shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any deed, or bond, or writing obligatory, or any assignment at law or in equity of any such bond or writing obligatory, or shall forge any name, handwriting, or signature, purporting to be the name, handwriting, or signature of a witness attesting the execution of any deed, bond, or writing obligatory, or shall offer, utter, dispose of or put off any deed, bond, or writing obligatory, having thereon any such forged name, handwriting, or signature, knowing the same to be forged, shall be guilty of felony, and liable to the same punishment.

21. A similar provision as to wills.

22. A similar provision as to bills of exchange or promissory notes.

23. A similar provision as to undertakings, warrants, orders, authorities, or requests for the payment of money, or for the delivery or transfer of any goods or chattels, or of any note, bill, or other security for the payment of money, or for procuring or giving credit, or any indorsement on or assignment of any such undertaking, warrant, order, authority, or request, or any accountable receipt, acquittance, or receipt for money or for goods, or for any note, bill, or other security for the payment of money, or any indorsement on or assignment of any such accountable receipt, with intent to defraud.

24. Obliterating crossings on cheques a felony, and offender liable to same punishment.

25. Forging debentures a felony; and offender liable to penal servitude for a term of fourteen years, or for not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

26. Forging proceedings of courts of record or courts of equity a felony, and offender liable to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

27. Forging copies or certificates of records, process of courts not of record, and using forged process, a felony; and offender liable to same punishment.

28. Forging instruments made evidence by any Act of Parliament, a felony; and offender liable to same punishment.

29. Forging court rolls, a felony; and offender liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

30. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any memorial, affidavit, affirmation, entry, certificate, indorsement, document, or writing, made or issued under the provisions of any Act passed or hereafter to be passed for or relating to the registry of deeds, or shall forge or counterfeit the seal of or belonging to any office for the registry of deeds, or any stamp or impression of any such seal; or shall forge any name, handwriting, or signature, purporting to be the name, handwriting, or signature of any person to any such memorial, affidavit, affirmation, entry, certificate, indorsement, document, or writing, which shall be required to be signed by or by virtue of any Act passed or to be passed, shall be guilty of felony, and liable to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

31. Forging orders of justices, recognizances, affidavits, &c., a felony; and offender liable to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement.

32. Forging name of Accountant-General, &c., of Court of Chancery in England or Ireland, or of any judge of the Landed Estates Court in Ireland, a felony; and offender liable to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

33. Whosoever, without authority (the proof whereof shall lie on the party accused), shall, in the name of any other person, acknowledge any recognisance or bail, or any *cognovit actionem*, or judgment, or any deed or other instrument, before any court, judge, or other person lawfully authorised in that behalf, shall be guilty of felony, and liable to be kept in penal servitude for any term not exceeding seven years, and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

34. Forging or uttering marriage licence or certificate, a felony; and offender liable to same punishment.

35. Forging registers of births, baptisms, marriages, deaths, or burials, a felony; and offender liable to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

36. Making false entries in copies of register sent to registrar, a felony; and offender liable to same punishment.

37. Demanding property upon forged instruments, a felony; and offender liable to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

38. Where any person is liable to punishment for forging or altering, or for offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any instrument or writing designated in such Act by any special name or description, and such instrument or writing, however designated, shall be in law a will, testament, codicil, or testamentary writing, or a deed, bond, or writing obligatory, or a bill of exchange, or a promissory note for the payment of money, or an indorsement on or assignment of a bill of exchange or promissory note for the payment of money, or an acceptance of a bill of exchange, or an undertaking, warrant, order, authority, or request for the payment of money, or an indorsement on or assignment of an undertaking, warrant, order, authority, or request for the payment of money, within the meaning of this Act, the person forging or altering such instrument or writing, or offering, uttering, disposing of, or putting off such instrument or writing, knowing the same to be forged or altered, may be indicted as an offender against this Act, and punished accordingly.

39. Persons forging, &c., in England or Ireland documents purporting to be made, or actually made, out of England and Ireland, forging, &c., in England or Ireland bills of exchange, &c. purporting to be payable out of England or Ireland, shall be deemed to be offenders within the meaning of the Act.

40. Persons offending under this Act may be tried in the county where they are apprehended or are in custody.

41. In any indictment for forging, altering, offering, uttering, disposing, or putting off any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof without setting out any copy or fac simile thereof, or otherwise describing the same or the value thereof.

42. Similar provisions as to description of instrument in indictments for engraving, &c.

43. The intent to defraud particular persons need not be alleged or proved.

44. Is an interpretation of what shall be a criminal possession.

45. Warrant may be granted to search for paper or implements employed in any forgery and for forged instruments.

46. Other punishments substituted for those of 5 Eliz. c. 14, which have been adopted in other Acts.

47. All forgeries which were capital before the 1 Will. 4 c. 66, and are not otherwise punishable under this Act, shall be punished with penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

48. In the case of every felony, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is punishable; and every accessory after the fact to any felony shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor shall be liable to be proceeded against, indicted, and punished as a principal offender.

49. Offences committed at sea within the jurisdiction of the Admiralty shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon the land in England or Ireland, and may be tried and determined in any county or place in England or Ireland in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any indictment for any such offence, or for being an accessory to such an offence, the venue in the margin shall be the same as if the offence had been committed in such county or place, and the offence shall be averred to have been committed on "the high seas;" provided that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

50. Whenever any person shall be convicted of a misdemeanour under this Act it shall be lawful for the Court, if it shall think fit, in addition to or in lieu of the punishments by this Act authorised, to fine the offender, and to require him to find sureties, and in all cases of felonies to require the offender to find sureties for keeping the peace, in addition to any of the punishments by this Act authorised.

51. Whenever imprisonment, with or without hard labour, may be awarded for any offence under this Act, the Court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of Correction.

52. Whenever solitary confinement may be awarded for any offence under this Act, the Court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year.

53. The Court before which any indictable misdemeanor

shall be tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid, upon the same terms and in the same manner in all respects as in cases of felony.

54. Act not to extend to Scotland.

55. Act to commence on the 1st of January, 1861.

Recent Decisions.

[*Equity, by* J. NAPIER HIGGINS, Esq., *Barrister-at-Law; Common Law, by* JAMES STEPHEN, Esq., *Barrister-at-Law.*]

EQUITY.

PRACTICE—EFFECT OF APPEAL AS TO STAYING PROCEEDINGS.

Wood v. *Farthing*, L. C. 8 W. R. 425; *Monypenny* v *Monypenny*, V. C. W., 8 W. R. 430.

Both these cases turn upon the effect of an appeal from a decree in Chancery. In the latter case the appeal was to the House of Lords, from a decree pronounced by the Lord Chancellor which was in favour of Mrs. Monypenny, and ordered that she should have a sum of money amounting to more than £3,000, part of which was in court. Pending the appeal, Mrs. Monypenny asked for payment of the money in court to which she was entitled under the decree of the Lord Chancellor. The only case cited in support of the application was the case of *Way* v. *Foy*, 18 Ves. 452. In that case also the defendant had appealed to the House of Lords from a decree of the Lord Chancellor against the defendant as executor, for payment of a legacy, and the plaintiff moved that a sum of money which had been paid into court under an order on account of the legacy, should be paid out on giving security to refund, if the decree should be reversed. Lord Eldon there made the order asked, and permitted the money to be paid out of court, but only upon a sufficient security being given to the Master to return it in case the decree should be reversed. In *The Warden, &c., of St. Paul's* v. *Morris*, 9 Ves. 316, the case coming on upon an equity reserved, it was objected that an appeal to the House of Lords was about to be lodged, whereupon Lord Eldon observed that whether lodged or not, it would not stop the cause. The matter subsequently came on to be argued upon a petition raising that question, when Lord Eldon dismissed the petition and allowed the cause to proceed. In his judgment, his lordship says, "The clear understanding in the House of Lords is, that the proceedings in the Court of Chancery are not stayed by an appeal. According to this, if a petition to stay proceedings in a cause was refused by the Chancellor, the party would have nothing to do but to appeal from that order." In a subsequent case of *Wood* v *Griffith*, 19 Ves. 550, Lord Eldon, referring to *Way* v. *Foy*, *supra*, says:—"There are very few cases of applications to stay proceedings under a decree, unless irreparable mischief may be the consequence of proceeding until the appeal shall be heard." There appears to have been formerly, and perhaps there still is, some difference in the practice respecting an appeal to the Lord Chancellor and an appeal from the decree of the Lord Chancellor to the House of Lords. In the case of *The Warden, &c., of St. Paul's* v. *Morris*, Mr. Leach, one of the counsel in the case, took the distinction between the two cases, insisting that the difference between the two was, that an appeal to the Lords stopped the cause, but that an appeal from the Rolls to the Lord Chancellor would not; and he referred to an unreported case of *Pomfret* v. *Smith*, in support of his statement. But Lord Eldon was of opinion that even an appeal to the House of Lords had not that effect. In *Waldo* v. *Cagley*, 16 Ves. 206, a motion was made before Lord Eldon that proceedings under a decree pronounced by Sir William Grant at the Rolls should be stayed until the cause should be heard before the Lord Chancellor on appeal. Lord Eldon in delivering judgment in that case, after remarking that the effect of the motion would be to prevent distribution of the fund in litigation until after the appeal should be heard, said that the other side relied upon the usual rule that a judgment is presumed to be right until it is shown to be wrong; and his lordship, referring to an order of the House of Lords (12th August, 1807), observed that, according to the then practice of courts of equity, an appeal did not stay proceedings unless the Court below, or the House of Lords upon special application, made an order to that effect. His Lordship, however, remarked that that order established the rule, that an application might be made to the Court of Chancery in the first instance. Upon a rehearing, or in other words, upon an appeal to the Lord Chancellor, the question whether or not the proceedings will be suspended, appears to depend upon the question whether some ground is furnished by the nature of the effect of the decree, or upon the possibility of irremediable damage to the party moving.

In *Monypenny* v. *Monypenny*, Wood, V.C., following the example of Lord Eldon in *Way* v. *Foy*, said, that he saw no difficulty in directing payment to the petitioner, provided some competent security was given for repayment of the fund, in case the decision of the Lord Chancellor should be reversed.

In another case, *Conybeare* v. *The New Brunswick Railway Company*, which has been before the Court within the last few days, the same question arose. It had been ordered by the Lords Justices, that £3,650 should be paid by the defendant to the plaintiff. The defendant had appealed to the House of Lords, and asked that the execution of the decree might be stayed until after the hearing of the appeal in the House of Lords, offering to bring the money and interest into court to abide the decision of the appeal. The Lords Justices appeared to think that the decisions affecting the case were so conflicting, as to make it embarrassing upon them, sitting apart from the Lord Chancellor, to decide, and recommended that the application should be made to the full court. It was subsequently, however, mentioned to the full court, only for the purpose of stating that a compromise had been effected, so that the practice upon this point cannot be considered to be satisfactorily settled at present.

In *Wood* v. *Farthing*, the question was whether the Lord Chancellor would hear an appeal by a party who had not complied with the order of the Master of the Rolls for the payment of money into court upon a day named, which was previous to the hearing of the appeal. It did not appear that any proceedings by way of contempt had been taken against the appellant; but it was nevertheless objected that until the order of the Court below was complied with, the appeal could not be heard; and Lord Campbell so decided, but gave leave to the appellant to apply to the Master of the Rolls to extend the term of payment until after the appeal was heard.

COMMON LAW.

CERTIFICATE FOR COSTS—LACHES OF COUNSEL.

Heden v. *The Atlantic Royal Mail Steam Navigation Company*, 8 W. R., Q. B., 410.

According to the General County Court Acts, if a plaintiff sue in a superior court, and recovers less by the verdict than entitles him at all events to costs, he may still in certain cases, obtain from the judge trying the cause a certificate, indorsed on the back of the record, which will have the effect of allowing him to tax his costs as in other cases. There is no time mentioned in these Acts as to *when* this certificate may be given; and it has been held, that it may be given at any time before the taxation of costs; *Tharratt* v. *Trevor* (6 Exch. 187). In this respect this certificate differs from that which is given under 3 & 4 Vict. c. 24, to enable a plaintiff to get his costs in trespass or on the case, where the damages recovered are less than forty shillings, but the action was brought to try a right, besides the mere right to recover damages for the trespass or grievance sued for. For this certificate must be indorsed on the back of the record *immediately after* the trial, an expression which has been judicially construed to mean "with all convenient speed." And in one case *Thompson* v. *Gibson* (8 Mee & W., 281), it was supported when given by the judge after his return from court to his lodgings. In the City Small Debts Act (15 & 16 Vict. c. lxxvii.), the words which enable the judge in certain cases to certify for costs, require the certificate to be given "forthwith," after the trial (s. 120). And hence a certificate given after taking time to consider, provided that course be *objected to at the time of the trial*, as it ought to be, will be set aside. In the present case, no objection was made by the counsel for the defendant, though he was present in court; and the Court of Queen's Bench refused afterwards to interfere, making use in reference to the silence of counsel, of these strong observations:—"Counsel cannot sit by and hear an arrangement of this kind made and say nothing; and then come to this court to rescind the certificate. Such conduct would be a breach of good faith, and to allow it would be to defeat the numerous cases of consent which are of frequent practice and most convenient." "There is," added Mr. Justice Crompton, "a well known maxim, *consensus tollit errorem*, and, acting under that maxim, I am of opinion that the conduct of the defendant's counsel in this case amounted to a consent, and that, therefore, such consent is binding on him;" and of course on those who employed him

CASES STATED BY MAGISTRATES—APPEAL FROM RATE—20 & 21 VICT. C. 43.

Wheeler, Appellant, v. *Churchwardens, &c., of Burmington, Respondents*, 8 W. R., Q. B., 412; *Quick, Appellant*, v. *Churchwardens, &c., of St. Ives*, 8 W. R., Q. B., 414.

In cases where a notice of appeal is given to any court of general or quarter sessions against a rate, or such other matters as are mentioned in 12 & 13 Vict. c. 45, s. 11, the facts of the case may, by consent of the parties, and after obtaining a judge's order for the purpose, be stated for the opinion of that superior court of common law to which the judge making the order belongs—a provision which dispenses with the necessity of trying the matter in the first place at sessions. In the first of the above cases an appellant, instead of obtaining the consent of the respondent, and causing a case to be stated in the usual way under the above provision, made application to the magistrates sitting in special sessions, and obtained a case under the 20 & 21 Vict. c. 43—supporting it on the ground that the words of that statute were general, and allowed the justices to state a case under it on the application of either party, "after the hearing and determination of any information or complaint" which might be determined by the justices "in a summary way." These last words appear conclusive against the appellant; and so the Court decided—as they ordered a case to be stated by consent in the usual way. In the other case, however, —which was also under 20 & 21 Vict. c. 43, and had reference to a rate,—the same objection does not apply; because here there was no appeal from *a rate*, but from the determination of the magistrates to grant a distress warrant to enforce payment of a rate. In this case, accordingly, no objection appears to have been taken to the case being argued; and it was decided on the merits, in favour of the appellant. Yet there is another very recent case reported in the April number of the "Law Journal" of the present year (*Walker* v. *The Great Western Railway Company*, 29 L. J. M. C. 107), which was mainly relied upon in *Wheeler* v. *Burmington*, but which certainly appears not to be in point, and to belong rather to the case of *Quick* v. *St. Ives*. For, in *Walker* v. *The Great Western Railway Company* also, the appeal was not from a rate, but from the determination of the justices that they would not enforce a rate. However, the Court here also said, that the proceeding under 20 & 21 Vict. c. 43, was not in the proper form; but if so, how is the decision in favour of the appellant in *Quick* v. *St. Ives* to be distinguished?

COMMON LAW PROCEDURE ACT, 1854, s. 64—ORDER AGAINST GARNISHEE.

Wise v. *Birkinshaw*, 8 W. R., Exch., 420.

By one of the "garnishee" clauses of the Common Law Procedure Act, 1854 (17 & 18 Vict. c. 125, s. 64), it is enacted that if, after an order of attachment of debts has issued and been served, the garnishee disputes his liability to pay the debt attached to the judgment debtor, the judge, instead of ordering execution to issue against the garnishee, "may" make an order enabling the judgment creditor to proceed against the garnishee, and show cause why there should not be execution against him for the debt attached. The present case raised the question whether this word *may* conferred a discretion on the judge to grant or refuse such an order, or whether his decision would be interfered with by the full court. The Court held that as the general rule, it was intended by the Legislature that the decision of the single judge in such cases should be final; but they intimated that if there appeared to be any reasonable ground (as in the case before them there was not) for suspecting fraud on the part of the garnishee, the Court would control the decision of the judge, if adverse on that account to the interests of justice.

Correspondence.

BILLS OF EXCHANGE—"VALUE RECEIVED."

In answer to your correspondent I would call his attention to Selwyn's "Nisi Prius," 11th edit. p. 340, where the author says: —"It is not essentially necessary to insert the words value received." See *White* v. *Ledwick*, 4 Doug. 247; *Grant* v. *Da Costa*, 3 M. & S. 452. And Mr. Justice Byles, in his learned work on "Bills of Exchange," after mentioning that there are one or two old cases which tend to shew that the words are an essential part of a bill says, "It is now well settled that they are not at all material;" *Poplewell* v. *Wilson* (1 Stra. 264). NEMO.

SCALE OF COSTS.

With reference to the remarks of "Justitia" in your last number, I agree with him as to the justice of depriving a plaintiff of costs on the higher scale where the money had been paid into court, after tender, because, as Mr. Justice Hill intimated in the case of *James* v. *Vane* (8 S. J. 535), that the plaintiff could at any time demand the sum tendered from the defendant, and if he were not ready to hand over the amount tendered the tender itself would not hold water. But I totally deny that it would be just to deprive a plaintiff of costs on the higher scale where money has been paid into court without any previous tender, and perhaps (merely) for the purpose of depriving the plaintiff of the costs which he would clearly be entitled to if the action had proceeded without such payment into court.

Suppose an action were brought to recover £51, and the defendant thought proper to pay £32 into court, and the plaintiff were to proceed to trial and recover the balance of his debt; would it be fair to say to the plaintiff, You are only entitled to costs on the lower scale, because the defendant has paid £32 of your demand into court, and although you could not obtain an order to try before the sheriff, because the sum endorsed in the writ exceeded £20, yet you have not recovered £20, and so you cannot have costs on the higher scale?

I am sure none of your readers would adopt "Justitia's" ideas if they had been expressed in the above form, but which he has virtually done in his letter of the 23rd inst.

I understand by the decision in *James* v. *Vane* that the Court of Queen's Bench only decided that in the case of payment into court after tender, if the plaintiff did not recover more than £20 in addition to the amount so paid into court the plaintiff was only entitled to costs on the lower scale, (and I assume he would be entitled to no costs whatever, unless he brought himself within one of the exceptions in the County Court Act,) and not that a plaintiff was to be deprived of costs on the higher scale where he recovered anything beyond the amount paid into court where the amount recovered (including the sum paid into court) exceeded £20 (or £50 as the case may be—the larger sum of course where the parties dwell in London, except the judge certifies, as he usually does where the debt exceeds £20, and there is really any question to try).

7, New Inn, 28th May. JAMES PRICE.

FRENCH TRIBUNALS AND ENGLISH DEBTORS RESIDENT IN FRANCE.

Would any of your readers kindly inform me if the Civil Courts of France will now entertain a suit by one Englishman residing in England against another Englishman residing in France, for recovery of a debt incurred in England, and for which a judgment of the Queen's Bench has been obtained? Formerly they would not entertain any such suit; but now it is said to be otherwise. Any reliable information upon this subject will greatly oblige, AN OLD SUBSCRIBER.

GUILDHALL JUSTICE ROOM.

SIR,—I beg to ask the favour of your inserting in your next number the accompanying report of my application to the sitting magistrate at Guildhall, disclaiming my identity with a "legal adviser" who is not a member of the profession, but whose name occasionally figures in the Police and Bankruptcy reports in the newspapers, as appearing for parties whose retainers the nature of my own practice would compel me to decline.

I remain, Sir, your obedient servant,

E. BENHAM.

18, Essex-street, Strand, May 29.

[The report to which our correspondent alludes will be found under the head of "Courts, &c."]

The Provinces.

BRADFORD.—At the West Riding Court, on Thursday, the 24th inst., William Mann, a gardener and small shopkeeper, of Fulneck, was charged, under the Act of 9 Geo. 4, c. 31, s. 20, with the abduction of Martha Thornton, a girl under sixteen years of age. Mr. Lees appeared for the prosecution; and Mr. Terry for the defendant. Mr. Lees, in stating the facts of the case, said the girl was fifteen years of age last May. On the 1st of November last she was washing clothes for her mother, and went into a garden to dry them. The defendant went up

to her and asked her to go into his house, telling her he would give her an apple. She went into his house, and the door was closed after them and fastened so that it could not be opened from the outside without a latch-key. The defendant then proceeded to take liberties with the girl, and ultimately succeeded in having criminal intercourse with her. She did not mention the matter to her parents, and in a fortnight after this her mother sent her to the defendant's shop to get change for sixpence. He then again took liberties with her; and the same thing happened as before. She had kept the matter quite secret until a short time since, when her parents having observed some change in her appearance, questioned her about it, and it was found that she was actually in the family way by the defendant. Mr. Lees went on to say that there might be some question whether this case came within the meaning of the statute; and in support of the prosecution he cited the following cases:—*Regina* v. *Mankletow* (Dearsley's Crown Cases), *Regina* v. *Kipps*, and *Regina* v. *Robins*. The first case, he said, was exactly in point. Mr. Terry argued that the statute was intended to apply to a forcible taking away, whereas in this case the girl never was taken out of the possession of her parents.—Mr. Lees contended it was not necessary that force should be used to constitute the offence of abduction, and that consent on the part of the girl made no difference in the case.—In reply to the Bench, Mr. Thornton, the girl's father, said he first heard of what had happened to his daughter on the 14th inst., and he immediately set the authorities of the church to which he belonged to work upon the defendant. (It was here explained that both parties belonged to the Moravian congregation.) The minister had the defendant brought before him, and the defendant admitted that what was said by the girl was correct. It was then thought the only course to adopt was to have him brought before the Bench.—After a full consideration of the facts and the law of the case, the magistrates came to the conclusion to discharge the defendant, but though declining to commit him for trial for a misdemeanor, they suggested that the father of the girl might prefer a bill of indictment against him at the assizes.

LIVERPOOL.—Before leaving Liverpool, on Friday, the 25th instant, Lord Brougham and the Lord Bishop of Oxford visited the new Free Library now being erected in Shaw's-brow, and were conducted over the building by the clerk of the works. At the request of Lord Brougham, an emancipated slave, who, coming over to this country many years ago, served a seven years' apprenticeship with a bricklayer, and is now employed at the new building, was introduced to his lordship, who shook him warmly by the hand, and expressed the delight and gratification it afforded to him by seeing a free artizan from Africa amongst English labourers. On receiving from his lordship a present in money, he expressed his gratitude not only for the gift, but also for the exertions of his lordship, but for which, he said, he should very likely not have been in his present position. He said he should prize his lordship's gift more than anything he had ever received in his life, and would preserve it as a treasure.

SALFORD.—At the quarter sessions held here on Monday, the 21st inst., Henry Darling Wardle, druggist, was charged with a criminal assault. The prisoner, before the jury were sworn, said he wished to object to nine of the jurymen. Being asked by the chairman (Mr. Ovens) for his reasons, he replied that "he did not like the looks of them." The chairman said that if he could give no better reason than that he could not allow the objection. Prisoner: I am a professor of phrenology, and I have been studying them. The chairman said he would allow the prisoner to object to two or three, but no more. The prisoner objected to five. The chairman allowed this, on condition that he should not object to those called to supply their places. He was found guilty, and sentenced to six calendar months' imprisonment.

Ireland.

QUEEN'S BENCH.

May 25. *Hanlon* v. *Murray*.—This case came before the Court on a demurrer to the summons and plaint. The action was brought against Mr. G. S. Murray, to recover damages for alleged negligence as an attorney. It was stated in the summons and plaint that the plaintiff, in March, 1858, agreed with one John Phelan to lend him a sum of £100 on the security of certain title deeds, and an assignment, to be duly registered, of the deed of assignment under which Phelan held certain premises in the county of Dublin, and that the defendant undertook to register the assignment and hand to the plaintiff the deed when registered, with the title deeds, but that the defendant neglected to register the deed, and that by reason of such negligence the security was lost to the plaintiff. The defendant demurred to the plaint on the ground that it disclosed no cause of action, there being no consideration shown to support the promise alleged, and there being no allegation that the defendant was to have a reasonable reward, or any reward whatever, for acting as attorney for the plaintiff.

Mr. *Harris*, Q.C., and Mr. *Ryan* were heard in support of the demurrer, and Mr. *Barry*, Q.C. and Mr. *Coates* against it.

The Court unanimously overruled the demurrer.

Mr. Justice FITZGERALD, in expressing his concurrence with the other members of the Court, said he would have been as well pleased if the judgment had been the other way; for he thought this was one of those cases in which advantage was taken of a recent Act of Parliament to frame the plaint—not in the precise and technical language which was formerly necessary—but in vague and ambiguous terms in the hope of snapping a verdict in the midst of the smoke and confusion which often took place at the close of a *nisi prius* trial.

COURT OF EXCHEQUER.

(Before the CHIEF BARON, Baron FITZGERALD, and Baron HUGHES.)

May 25. *Carroll* v. *Mannix*.—Mr. *Phillip Keogh* moved, on behalf of the defendant, that the plaintiff or his attorney be ordered forthwith to furnish to defendant's attorney a map, plan, or statement, in the nature of a bill of particulars, to be annexed to the summons and plaint, setting forth with sufficient certainty the part of plaintiff's land through which he says a certain stream ought to flow, how far along the course of the stream the plaintiff claims the water, and how far plaintiff says the defendant diverted the water course. The motion was made under the 46th section of the Common Law Procedure Act, with reference to giving bills of particulars. The action has been brought for diverting a watercourse in the county of Cork, near Mallow. The summons and plaint was drawn up in a wide, loose manner, simply saying the plaintiff was entitled to certain lands, that a certain stream flowed there, and that the defendant diverted it. No particulars were given. The answer to the motion was that the attorney and counsel for defendant were engaged at a hearing of the case at the Mallow sessions and knew all the facts. This, counsel contended, was no answer to the application.

Mr. *James Murphy*, for the plaintiff, resisted the application.

The motion was refused with costs.

CONSOLIDATED NISI PRIUS.

(Before Mr. Justice KEOGH.)

May 26. *Queeley, Appellant; Power, Respondent*.—This was an appeal from a decision of the Recorder, declaring the plaintiff bound to pay the expenses attending the execution of a writ. It appeared that the plaintiff had obtained a writ of *ca. sa.* against a party indebted to him, which he entrusted for execution to the respondent, who was the sub-sheriff of the city of Dublin. The sheriff's officer arrested the party under it, but it subsequently turned out that he was privileged, and he was therefore discharged from custody by the Court. The appellant having refused to pay the expenses, a civil bill process was brought against him, and the Recorder decreed him in the amount. From this decision the present appeal was brought.

Mr. *Sidney* appeared for the appellant, and Mr. *Coffey* for the sheriff.

Mr. Justice *Keogh* reversed the decree on the ground that the writ had not in fact been executed.

Foreign Tribunals and Jurisprudence.

HANOVER.—A royal order recently issued abolishes public executions in this country. The condemned is to be executed in an enclosed space in the presence of two officers of the Crown—a registrar (who is to draw up a report of the details), a surgeon, and one or more ministers of the faith to which the criminal may belong. The Crown deputy is to take care that twelve inhabitants of the neighbourhood shall attend to wit-

ness the execution, and the defender of the accused, as well as his nearer relations, are to be permitted to be present. If the space will permit, the Crown deputy can also grant admission to other discreet persons of the male sex, according to his judgment. The execution of the sentence is also to be made known in the journal of the place wherein the court which passed the sentence sat; and an account of the proceedings is to be publicly read by an official at some place in the neighbourhood, as soon as possible after the judicial decree has been carried into effect.

Review.

Precedents of Pleadings in Actions in the Superior Courts of Common Law, with Notes. By EDWARD BULLEN, Esq., of the Middle Temple, and STEPHEN MARTIN LEAKE, Esq., of the Middle Temple, Barrister-at-Law. London: V. & R. Stevens & Sons. 1860.

This work exhibits the system of pleading in actions in the superior courts of common law in its present reformed state; and we have great satisfaction in being able to introduce it to the profession as well calculated to satisfy a want which has been deeply felt since the recent alterations in the law. We are aware that considerable differences of opinion exist concerning the merits of pleading and the expediency of the recent renovation, instead of a total abolition, of the system. There are persons who still maintain that pleading retards rather than advances the progress of a suit, and that it is better that a forensic contest should be left to the simple weapons of nature, whatever they may be, than complicated by the assistance of the rules of art. All, however, must agree that if we are to have pleading at all it is better to have it good, and to know something about it; and we feel sure that after the state of doubt and uncertainty which has prevailed during the last few years on every question connected with pleading, the profession will turn with a sense of relief to a work promising to afford them some information and certainty on the subject.

We do not at all agree in opinion with those who would abolish pleading altogether; but decidedly prefer to stand by our ancient form of procedure, notwithstanding the strong feeling of modern times in favour of some more hasty mode of arriving at the determination of a suit. Pleading has from the earliest times been the basis of our common law procedure, and the framework of every case presented to the courts. It was introduced to us by the Normans from the Roman law, in which the principles of pleading were fully recognised and adopted as laws of procedure. For eight centuries the system has prevailed in our courts; and it is certainly worthy of remark that although no branch of our law has been in such constant use, none has undergone so little change, or, until quite recent times, has been modified so little by the amending hand of the Legislature. Its progress to a refined and elaborate system has been one of self-development, without any external assistance. Variations in the outward form and language of pleading appear from time to time. Thus, pleading was originally conducted *ore tenus* in open court; afterwards by written statements delivered and entered in court; and then by writings delivered between the parties out of court. The changes of language have also been frequent. It was originally Norman-French, then English, then Latin, and lastly again English. But so little change has taken place in its essential rules and principles that the earliest reports of pleadings in the Year Books are at once understood by the modern pleader.

The statutory changes in pleading have been until lately of an equally unimportant character. An enumeration of the statutes of amendment and jeofails, the statutes regulating special demurrers, and the statutes allowing several defences, all matters of mere detail in the practice of pleading, would comprise all the statute law relating to pleading until the recent more important amendments of our own times.

When it is proposed to abolish from our law a course of procedure of such inherent vitality and permanence, and one sanctioned by such great antiquity, it is certainly a question worthy of consideration whether there is not some sufficient cause for that permanence, and for the sanction derived from the use of so many ages. Pleading may be described in popular language as the process of carrying on a dispute and conducting it to a proper conclusion. The means chiefly to be regarded in bringing a dispute to a final determination are well known. The aim of all candid disputants should be to ascertain and remove from consideration all matters which are undisputed and admitted on both sides; to disentangle and eliminate all matter which, whether disputed or not, is irrelevant and indecisive of the real question; to restrict to as narrow a point as possible the real question in dispute; and lastly, to refer it in an exact and definite shape to the proper authority for decision. The principles of pleading are merely the principles of disputation recognized and expressed in a scientific form; and the rules of pleading are laid down with the view of enforcing a conformity to those principles in the conduct of a forensic dispute.

The principles of pleading are thus, so to speak, the natural laws of disputation according to which only, whether expressly or tacitly acknowledged, a dispute can be correctly brought to an issue. It is no more possible in dispute to struggle against their influence, than it is for the mind to argue contrary to the rules of logic. Any attempt to evade or disavow the one or the other must necessarily end in confusion and error. The most ardent law reformer cannot pretend that litigation can be conducted *contrary* to the principles of pleading, but can only question the propriety of investing them with the sanction of laws and of enforcing prompt and exact obedience to them in the conduct of a suit.

This fundamental question, of the expediency of retaining pleading as part of our system, may be considered as practically set at rest, for the present at least, by the decided opinion of the commissioners appointed to inquire into the system of pleading in favour of the retention of pleading in its accustomed place in our procedure, which opinion confirmed in this respect that of the former commissioners of 1828, and was fully adopted by the recent legislative enactments. This important question will be found fully discussed in the first report of the commissioners, and the reasons for the conclusion which they arrived at are there stated. They consist principally in the importance of ascertaining speedily and distinctly the questions of law and fact in dispute between the parties, and of excluding from consideration all questions which are irrelevant or undisputed, so as to diminish the expense of evidence, and to confine the attention of the Court strictly to the matter in dispute.

The system of pleading, so long left to its own resources, has in quite recent times received a full measure of legislative attention and amendment. Within the last thirty years it has been subjected to the scrutiny of two royal commissions, and on both occasions the Legislature has interposed to amend the system according to their recommendations. The connection between these two recent amendments of the system is worthy of attention, and has not, we think, been sufficiently appreciated. Though the second commission was found necessary to revise and correct the labours of the first, it was not in any sense contradictory to it, but rather supplementary; and the work of the two may be regarded as successive steps in one entire consistent process of reform. The first commission confined their attention to the substantial operation of pleading, and its bearing on the progress of an action, without extending their enquiries into the technical details of the practice. They fully recognized pleading as a most valuable forensic invention for affecting the indispensable object of developing the precise point in controversy between the parties, and presenting it in a shape fit for decision to the proper tribunal; but they found that sufficient scope was not given to the principles of pleading to enable it to effect this object thoroughly. A defendant, by pleading the general issue, a mere general denial of liability, might put the plaintiff to proof of everything necessary for his case, and was admitted to prove in his defence any matter in confession and avoidance. For want of more definite pleadings, actions went to trial without the parties having ascertained what was the fact in dispute, or whether any fact was in dispute at all, or whether the matter in dispute was a matter of fact or of law. In consequence of this indeterminate state of the issue, great expense was incurred in accumulating evidence to meet every point; constant surprises were occasioned at the trial by unexpected defences then raised for the first time; great difficulty was found in ascertaining the matter in dispute from the evidence; verdicts were inconclusive; and motions for new trials were almost a matter of course. The commissioners thought that in comparison with these disadvantages the evils of special pleading were inconsiderable; and they therefore recommended as a remedy that pleading should have full scope to carry out its proper objects. The effect of the general issue, as a mere general denial of liability, was abolished, and the defendant was required to plead his defence in all cases; the result of which alteration was a great extension of special pleading.

The commissioners, however, had not directed their attention to the formalities, technical rules according to which pleadings were drawn. The technical formalities of pleading had accumulated in the course of ages, and were matters of very strict observance. They were well understood and tole-

rated under the restricted system of pleading; but when applied to the extended and more complicated system, they became so aggravated in mass and intricacy as to be nearly unmanageable. The judges spared no pains or ingenuity to render the working of the reformed system as efficient as possible; but it was soon found that the practice under the new rules was too elaborate for the transaction of the ordinary work of litigation, and that an amendment of some kind was absolutely necessary. A new commission was accordingly appointed, to inquire more exclusively into the system of pleading in the superior courts. The new commissioners entirely concurred with the former, not only in retaining pleading as part of our procedure, but also in carrying its use to the fullest extent. They did not seek to undo anything which the former commissioners had done, but rather to enforce their improvements, and to render them more available. With this object they turned their attention to the technical forms and language of pleadings, and here they found abundant scope for amendment. The practice of pleading was overwhelmed with ancient technicalities, subtleties, and fictions quite useless and irrelevant to the real object in view. Their recommendations in reference to pleading were for the most part confined to reducing the pleadings to the plainest simplicity of language and form consistent with accuracy and certainty. They proposed to abolish all formal requirements, all fictions and subtleties, and to permit no objections to be taken to pleadings on any other ground than some substantial matter of law. It would be superfluous here to allude to their recommendations in detail; they have been effected by the Common Law Procedure Acts, 1852 and 1854; and the result of these amendments, in combination with those recommended by the previous commissioners, has been to vindicate and extend the system of pleading, and to render it simple and efficient in practice.

The changes last adverted to have occupied some years in their progress, and the commissioners have only just concluded their labours by delivering their final report. The results of this report are embodied in a Bill now before Parliament, under the title of the Common Law Procedure Act, 1860; but very few and comparatively unimportant alterations in the law of pleading are therein proposed.

Pending the recent changes, the law of pleading has been in a state of transition, during which no work on the subject could be undertaken; but the period of transition has now passed, and the law is left in that state, that a work on pleading which should gather up the scattered fragments of the science and reconstruct it in its present reformed state is most urgently demanded. The elaborate and valuable works which had grown up under the former practice have been rendered useless except to persons familiar equally with that practice and with the recent changes; and it seems probable that the alteration in pleading is too great to admit the hope that they can by any process of revision be restored to their former use and position.

A new work on pleading does not present the same difficulties as formerly, when it was necessary to classify actions by their forms of assumpsit, debt, trespass, trover, case, &c., according to distinctions for the most part artificial and technical. The old forms of action are no longer matter for consideration, and the Common Law Procedure Acts have recognised and adopted the purely natural division of causes of action into those founded on contract and those founded on wrongs independent of contract. This division has been adopted in the present Book of Precedents, and is most convenient for practical use. It requires little technical knowledge, and places the contents at once at the command of everyone. There are, indeed, a class of ambiguous cases where the obligation to be enforced springs from a contract or quasi contract, and yet the action may be framed *in tort*. These could not be passed over in silence, and will be found clearly explained in the present work, so far as the present state of the law admits of a satisfactory explanation.

The precedents not only follow the classification of the Common Law Procedure Acts, but are also framed strictly on the model of the examples therein given. The spirit of those amending Acts is preserved throughout the forms contained in this work; and thus an exact uniformity of style pervades the whole. The authors appear to have taken much care to select the simplest and most concise phrases, and such as are best adapted to convey the required meaning; and to have used the same or similar phrases throughout the work, on the same or similar occasions. A brief perusal of these new precedents will thus supply the pleader with a model form of expression for all allegations of ordinary occurrence. The value of this will be well understood and quickly appreciated by pleaders who have learned the importance which attaches even to the commonest allegations in pleading, but who are not as yet furnished with trustworthy forms of their own available at a moment's notice. In the above respect the present work forms a strong contrast in style to the previous collections. Precedents used formerly to be gathered by students and practitioners from every available source, and were estimated for the most part according to the authority of the pleader who drew them. Such a collection presented every variety of style, and every diversity of expression for the most ordinary allegations, the substantial import of which was obscured by the variety and uncertainty of language which was used on various occasions. The broad and uniform style of pleading remarkable in the present collection, if generally adopted, would, we think, tend to produce a general accuracy of expression, and a common acceptance of the meaning of words and phrases, which would greatly facilitate practice. We are not prepared to say at once, that the writers of these precedents have on all occasions discovered the most happy terms of expression; we can only say at present, that we are quite satisfied with all that we have as yet noticed. Probably something still remains to be done in this respect. What we wish here to enforce as a valuable characteristic of their work is, that they have pointed out the way of treating pleadings in a scientific manner, of generalising, so to speak, the common forms of expression, and reducing them to a strict standard of uniformity.

It is a matter of regret that the framers of the Common Law Procedure Acts were not a little more careful in respect of the uniformity and precision of the forms appended to the Act by way of examples. The general style of those forms is amply sufficient to manifest the spirit of accuracy and conciseness with which they were drawn; but nevertheless sufficient diversity, uncertainty, and even error, have crept in to obscure, in a great measure, their authoritative influence on style. These disturbances of style are owing, probably, to those inconsiderate amendments introduced into the Bill during its progress through the Legislature, which form so prolific a source of error in all our statutes. The authors of the present work have been free from any such vexatious interference, and their forms gain proportionately in uniformity and precision. Being unfettered also by limits of space they have extended their precedents over every subject of pleading of ordinary occurrence. They have also given very numerous references to pleadings in the reports, which will supply abundant material for more extraordinary cases.

The notes form a very valuable and distinctive part of the present work. They are adapted to form a complete practical guide to pleading and to the use of the precedents, and supply a comment on all the difficult points of pleading. They also give a concise, but in general a sufficiently complete statement of the law on all the subjects of importance which come within their range. Their character and possible value in this respect, in combination with the precedents in the text, suggest a few general observations on what we consider to be a very important use of a work of precedents.

A book of precedents of pleadings necessarily embraces all the subjects to which pleading is applicable—that is, all the law of private civil rights within the province of the courts of common law. Now, no more accurate definition of a right can be given than by explaining the actions for its infringement, and the various defences by which such actions can be met. The pleadings necessarily involve an exact statement of the right and the injury, with all their limitations and exceptions. Pleadings have been called the evidence of the law. They certainly form its most accurate test; and we know from experience that they are constantly referred to for this purpose. Hence, a work of this kind is capable of a much higher use and purpose than that of merely furnishing precedents for application in practice, together with practical instructions for their use. It may be regarded as a compendious scheme of all the law of private civil rights, and if complete would form a touchstone of all such rights, and of the remedies for their infringement. The authors are not likely to have overlooked this view of their work; and the notes explanatory of the law, as an adjunct to the precedents, seem well adapted to render the work a concise and useful manual of common law.

We would add, in conclusion, that a perusal of the present work has convinced us that the science of pleading is not likely to lose by a clear exposition of its principles and practice, but to gain in public use and estimation. We are convinced that in its present reformed state it will prove admirably adapted for its object, and that a more extended knowledge of the science, and a more strict adherence to its rules, will greatly assist in the administration of justice.

Societies and Institutions.

LAW AMENDMENT SOCIETY.

SCIENTIFIC EVIDENCE.

The following is the report of the Special Committee on Scientific Evidence in Courts of Law.

The committee appointed to consider the best mode of taking scientific evidence in courts of law, after having given their attention to the subject generally, and to the different schemes that have been proposed for remedying the evils now complained of, have to report as follows:—

What has been called scientific evidence is only a branch of that great division of evidence admissible in certain cases by our law, which consists of the opinions of witnesses on matters to which their attention has been specially devoted. To this head belongs the evidence of surveyors with regard to the condition of a house, and of veterinary surgeons, or other skilled persons, touching the soundness or unsoundness of a horse, no less than that of a chemist or mechanical philosopher with respect to the operation of the most important laws of nature. To prove that two pieces of cloth are the produce of the same loom, or two samples of wine are taken from the same bin, the opinion of a clothier or wine merchant may be submitted to a jury, precisely in the same way as to prove that death has arisen from a certain cause, the opinion of a medical man with regard to symptoms proved to have existed during life, or appearances shown to have been presented on a *post mortem* examination, may be submitted to them. In all such cases the jury are the judges of the facts, and judges also of the value which is to be attached to the opinion; and no better scheme has yet been devised for enabling them to perform this latter function than the ordinary method of examination and cross-examination adopted in our common law courts. The knowledge and experience of the witness—the freedom of his mind from bias—the consistency of his views, and a variety of other considerations of a like nature, must form the means by which the value of his opinions may be tested. To subject scientific evidence to a different treatment, would, we think, be materially to interfere with the functions of juries, while the difficulty of separating such evidence from the ordinary evidence of skilled witnesses, to which we have adverted, would be considerable. It would be impossible to define strictly who are scientific witnesses; and even if this could be done with any tolerable accuracy, it would not be easy to assign a valid reason why many other classes of experts should not be put in the same position as men of science in giving evidence in courts of law.

Nor, on the other hand, do we think that the evils arising from the present system are so great as they have sometimes been represented. The instances in which the judge and jury are left in doubt on questions of scientific evidence are rare. When such doubt has not been properly solved, the difficulty has arisen rather from the nature of the subject, than from the mode in which the evidence has been taken. In all experimental sciences new facts present themselves, new discoveries are made, new generalisations are obtained, and until the whole field of nature has been investigated and all her laws unveiled, it is impossible that, when scientific questions arise before a legal tribunal, they should not occasionally be subject to those difficulties which are continually presenting themselves in the laboratory and the study. Even with regard to the partizanship of scientific witnesses, it may well be questioned whether it is not more favourable to the advancement of science and to the ends of justice, than a uniform adherence to certain received opinions, and a mere repetition of certain acknowledged *formulæ*. As respects the treatment of scientific men in the witness-box, we have never found that any such witness, who gave his evidence in an intelligent and independent manner, had any solid ground of complaint. Scientific witnesses, as well as others, ought to bear in mind that to question the accuracy of their opinions is not to impeach their veracity; and with the votaries of experimental science, there ought to be no great shock to the mental system when an old theory is questioned and a new hypothesis propounded.

Upon these grounds, therefore, we are not prepared to recommend any change in the existing mode of taking scientific evidence, at least until some plan had been proposed of which the advantages would be clear, and which would work harmoniously with the rest of our legal system. To none of the suggestions by scientific men which have been laid before us does this character apply. Some of them are entirely nugatory, and others are opposed to the whole spirit of our jurisprudence, or would introduce an element of confusion, of which it would be impossible to calculate the results. We say this with the utmost respect for those who have proposed them; but being called on to consider the question as one relating to the amendment of the law, we are bound to look at any proposed change with reference to public convenience, and the general principles on which the law is administered in this country. The most important of the suggestions which have been made, we shall now proceed briefly to examine.

The first proposal to which we would advert is that which would require that a full statement in writing should be made by scientific witnesses in court, uncontrolled by counsel, and that on such statement the examination and cross-examination should proceed. Now, we are not aware that there is anything at present to prevent a scientific witness making a statement in writing of his opinions bearing on the matter in issue, if it appears to the counsel who calls him that it would save time, or be otherwise desirable. But to require a written statement in all cases would, we conceive, be objectionable. It would not tend to prevent partizanship, since a scientific witness is generally called because his views in the matter in dispute are known to be favourable to the party calling him, and a written statement would afford him the opportunity of more carefully fortifying his weak points, and presenting his opinions in a more guarded manner than can always be done on an oral examination. A witness who supported a particular theory would in general do so much better in writing, than by an oral explanation elicited by questions which it would be impossible for him in all cases to anticipate. No small danger would arise, we apprehend, if such a mode were introduced, of the statement becoming a regular treatise in support of the peculiar theory which the witness advocated; and there would be no less danger that the language employed in a written statement for the purpose of obtaining accuracy, would be unintelligible to an ordinary jury. Nor should it be forgotten that the plan of requiring written statements would be inapplicable to a large portion of scientific evidence, as much of such evidence is necessarily based on facts proved orally in court, and any general statement which did not refer to such facts would be for the most part worthless.

Another proposal made is, that the Crown should appoint scientific assessors, who should, conjointly with the judge, hear the evidence, and if need were, under his sanction, examine the witnesses on scientific points, and advise the judge as to the scientific bearings of the evidence. But what the qualification of such assessor is to be, how many are to be attached to each court, what departments of science are to be thus represented, how the presence of these officials is to be obtained at trials in each of the seven circuits into which England is divided, and how the thing would be likely to work in practice, has not been explained. Nor, even if a duly qualified assessor could be obtained in each case where his presence was wanted, can he comprehend the position which he could occupy, either at the trial, or on an application for a new trial on the ground of the verdict being against evidence. The respective functions and duties of judge, jury, counsel, and witness, are well defined in our law, and tend to produce one result; but we venture to think that there is no place for the proposed functionary, who is to interfere with everything, but to settle nothing. Even with regard to the modified scheme proposed by the Vice-Chancellor Sir W. Page Wood at a recent meeting of the Society of Arts, the difficulties are very great. According to that scheme, assessors should be appointed who should sit with the judge, and should be bound to give their opinion in public, as well as the reasons on which that opinion was formed, the judge, however, not to be bound by the opinion so given. It must be supposed that the assessors would be persons of competent skill; and it is difficult to understand how the judge would not be morally, if not legally, bound by their opinion, or that any verdict could be supported which went against such opinion. Nor can it be doubted that, if any difference of opinion arose between the judge and the assessors on a matter which the jury must ultimately determine, the latter would be placed in a position of considerable embarrassment. In trials before the Admiralty Court, where the judge is assisted by Masters of the Trinity House, there is no jury; and after carefully considering the working of the system adopted in that court, we are of opinion that it is altogether inapplicable to the ordinary mode of trial by jury.*

* The following is the mode of proceeding in the Admiralty Court, where the assistance of Trinity Masters is called in: "In cases in the Court of Admiralty, if the question to be examined depend much upon technical skill and experience in navigation, the parties may, with the permission of the judge, apply for and obtain the assistance of two or more Trinity Masters, who will, at the request of the Court, after hearing all the evidence

It has also been proposed that in all trials involving scientific evidence, a witness should be called by the court, who should give his opinion independently of either of the parties, and make an impartial statement of the truth. It may be questioned, however, whether such a witness might not be liable to be biassed on questions of mere opinion, where the difficulty generally arises, as much as a witness called by a party; and if the witness called by the court had formed no opinion on the question which had arisen, it might be difficult to have full reliance on his knowledge. But the great objection to this suggestion is, that it involves a departure from one of the leading principles on which our law is administered, viz., that the evidence on which the judge and jury are to proceed, must be furnished by the suitors themselves, and that it is the sole duty of the Court to hold the balance even between the contending parties. Our common law knows of no paternal authority on the part of the Court, enabling it to take the matter out of the hands of the litigants, and to do justice independently of the evidence which they have adduced or failed to adduce; and we can see no reason why trials involving scientific questions should be made exceptions to the wise and beneficial rule, which has both tended to produce a pure administration of justice and to maintain an independent spirit among the people. Where an application is made in Chancery to the discretion of the Court, it may work beneficially that the judge, when dissatisfied with the evidence on matters of opinion brought forward on either side, should be able to call in disinterested witnesses; but in a trial at law, where the parties have put themselves on the country, the introduction of such a principle would materially interfere with the working of the system.

With regard to the suggestion that the scientific witnesses should meet before the trial and arrange their points of agreement, so as to arrive at the exact points of disagreement or divergence, the practice would no doubt be attended with beneficial results. It is much to be desired that it should become prevalent among scientific witnesses, and be considered as a matter of course in all cases where practicable. But to enforce such a practice by law would be attended with serious difficulties. Except in the case of written documents in civil causes, a party to a suit cannot be called on to make admissions, but is entitled to put the other party to strict proof of his case; and even an unwarrantable refusal to admit documents only involves the payment of the costs which the other party is compelled to incur. What steps the law could possibly take to ensure the meeting of adverse scientific witnesses, or to obtain any result from such meeting, we have altogether failed to perceive.

We have not drawn any distinction between civil and criminal trials with regard to the matter under consideration, because it is one great peculiarity of our judicial system that the rules, with regard to the admission of evidence and the mode in which it is presented to the jury, apply equally to both. It is difficult to imagine that any scheme for ascertaining the truth on an issue of fact, would be advantageous in one case which would not be so in the other; and even if anything could be said in favour of such a distinction, there can be little doubt that it would never be received without the utmost repugnance by the people of this country, and must therefore be considered as entirely out of the question. On criminal trials, if a question of great doubt arises as to a matter involving scientific evidence, the natural course seems to be that the prisoner should have the benefit of that doubt, as well as in other cases where a doubt arises. And on civil trials under similar circumstances, it will be always in the power of the parties to refer the matter to scientific men, precisely as other matters are referred to competent arbitrators. In civil actions it might even be allowed, in analogy with the provisions of the Common Law Procedure Act, 1854, with regard to matters of mere account, that at any time after the issuing of the writ, where the matter in dispute was one of a purely scientific character, either of the parties might obtain an order of the court or a judge to refer it to some competent person appointed by the parties, or if they could not agree, by a judge.

Some valuable suggestions on the subject of trials relating to the infringement of patents were made to the committee by Mr. T. Webster; but as the whole subject of the law of patents is now under the consideration of a joint-committee of the British Association and the National Association, we have thought it better to defer making any remarks on this subject until the latter committee has finished its investigations.

on each side in open court, state the impression which the evidence has made upon them as to which of the ships or parties was to blame, and in what respects, whereupon the judge, so assisted, will form his own independent judgment, and decide accordingly."—2 *Chitty's Gen. Prac. P.* 514.

Obituary.

THE HON. LITTLETON WALLER TAZEWELL.

The American bar has lost one of its brightest ornaments by the demise of the Honourable L. W. Tazewell, whose death occurred on Sunday, the 6th April, at Norfolk, in the State of Virginia, at the advanced age of eighty-six years. This distinguished advocate, descended from an old English family in the county of Somerset, was born in the city of Williamsburgh, in the United States, and in the year 1774, was educated at William and Mary College. He commenced the practice of his profession in his native city. His first public service was in the Legislature of Virginia, of which he was a member when the Madison resolutions of 1798 were adopted. In 1799 he was elected to Congress, and was one of the supporters of Mr. Jefferson in the stormy contest with Mr. Aaron Burr for the Presidency. After the lapse of a few years he retired from Congress, and came to Norfolk in 1802, then a place of extensive foreign commerce, where he soon entered upon a large and important practice; and gained great reputation by his arguments in the Court of Appeal in Virginia, and took a leading position amongst his brother advocates. In these arguments he was distinguished by the clearness and ability with which he enumerated and discussed the principles of civil, municipal, and maritime law. Added to his abilities as a lawyer, his oratory and general character had obtained for him the highest fame in the senate. In the year 1820, he was one of the commissioners under the Florida treaty, and subsequently was appointed Governor of Virginia, which office, however, he resigned before the expiration of the term, and returned to Norwich, where he resided until the time of his death, an object of affection and regard to his fellow townsmen, and (in the language of an American memoir, written since his death) there rested upon those "laurels which he had gained in forensic contests, interwoven with the laurels which he had won on the floor of the senate of the United States." At a meeting of the members of the Norfolk bar, held on the 7th April, several resolutions expressive of esteem and regard for the deceased gentleman, and of regret for his loss were passed; and it was determined that a discourse on his life and character should be delivered before the bar by one of its members, and that all the members should attend the funeral, and wear crape on their left arm for thirty days.

Law Students' Journal.

INNS OF COURT.

AT THE PUBLIC EXAMINATION OF THE STUDENTS OF THE INNS OF COURT, HELD AT LINCOLN'S INN HALL, ON THE 18TH, 19TH, AND 21ST DAYS OF MAY, 1860.

The Council of Legal Education have awarded to James Wilson, Esq., a Studentship of Fifty Guineas per Annum, to continue for a period of Three Years. H. P. Pisani, Esq., and D. A. Freeman, Esq., Certificates of Honour of the First Class. F. T. Platt, Esq., T. Watson, Esq., C. Walker, Esq., Edw. F. A'Beckett, Esq., J. T. Woodroffe, Esq., A. Brandreth, Esq., A. N. Flintoff, Esq., H. Pottinger, Esq., R. C. Rogers, Esq., E. J. Athawes, Esq., J. Werrett, Esq., Certificates that they have satisfactorily passed a Public Examination.

Court Papers.

Court of Chancery.

SITTINGS.—TRINITY TERM, 1860.

LORD CHANCELLOR.

Lincoln's-inn.

Monday, June	4	Appeals.
Tuesday.....	5	
Wednesday ...	6	...Appeal Motions and Appeals.
Thursday	7	Appeals.
Friday	8	
Saturday	9	...Petitions and Appeals.

NOTICE.—Such days as his Lordship shall be engaged in the House o Lords are excepted.

MASTER OF THE ROLLS.

Chancery-lane.

Monday, June 4 } General Paper.
Tuesday..... 5 }
Wednesday ... 6...Motions.
Thursday ..... 7 } Appeals.
Friday ..... 8 }
Saturday ..... 9...Petitions.

N.B.—Short Causes, Short Claims, Consent Causes, Petitions, and Claims, every *Saturday*. The Unopposed Petitions will be taken first, and such petitions must be presented and Copies left with the Secretary on or before the *Thursday* preceding the *Saturday* on which it is intended they should be heard.

LORDS JUSTICES.

Lincoln's-inn.

Monday, June 4 } Appeals.
Tuesday..... 5 }
Wednesday ... 6...Appeal Motions and Appeals.
Thursday ..... 7...Appeals.
Friday ..... 8 { Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday ..... 9...Appeals.

NOTICE.—The days (if any) on which the LORDS JUSTICES shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

Vice-Chancellor Sir RICHARD T. KINDERSLEY.

Lincoln's-inn.

Monday, June 4 } General Paper.
Tuesday..... 5 }
Wednesday ... 6...Motions and General Paper.
Thursday ..... 7...General Paper.
Friday ..... 8...Petitions and General Paper.
Saturday ..... 9 { Short Causes, Adjourned Summonses, and General Paper.

Vice-Chancellor Sir JOHN STUART.

Lincoln's-inn.

Monday, June 4 } General Paper.
Tuesday..... 5 }
Wednesday ... 6...Motions and General Paper.
Thursday ..... 7...General Paper.
Friday ..... 8...Petitions and General Paper.
Saturday ..... 9...Short Causes and General Paper.

Vice-Chancellor Sir W. P. WOOD.

Lincoln's-inn.

Monday, June 4 } General Paper.
Tuesday ..... 5 }
Wednesday ... 6...Motions and General Paper.
Thursday ..... 7 } General Paper.
Friday ..... 8 }
Saturday ..... 9 { Petitions, Short Causes, and General Paper.

Queen's Bench.

NEW CASES.—TRINITY TERM, 1860.

SPECIAL PAPER.

Dem. Blenkiron & Another *v.* The Great Central Gas Consumers' Company.
" Sturgeon & Another *v.* The Great Central Gas Consumers' Company.
Sp. Case. The Birkenhead Improvement Commissioners *v.* Hind.

Common Pleas.

NEW CASES.—TRINITY TERM, 1860.

NEW TRIAL PAPER.

London. Bailey & Another *v.* Sweeting.
" Snell *v.* Bickley.
Middlesex. Dickenson & Others *v.* Stidolph.
" Philby *v.* Hazle.

Exchequer of Pleas.

NEW CASES.—TRINITY TERM, 1860.

SPECIAL PAPER.

Sp. Case. Morant *v.* Chamberlin.
Dem. Morant *v.* Chamberlin.

Summer Circuits of the Judges. 1860.

Home.

COCKBURN, L.C.J., and BLACKBURN, J.

Norfolk.

ERLE, L.C.J., and POLLOCK, L.C.B.

Midland.

WIGHTMAN, J., and WILLIAMS, J.

Northern.

MARTIN, B., and WILDE, B.

North Wales.

CROMPTON, J.

South Wales.

BRAMWELL, B.

Western.

CHANNELL, B., and KEATING, J.

Oxford.

BYLES, J., and HILL, J.

WILLES, J., will remain in town as the Vacation Judge.

Court of Probate,

AND

Court for Divorce and Matrimonial Causes.

SITTINGS IN TRINITY TERM, 1860.

The Full Court for Divorce and Matrimonial Causes will sit at Westminster, at 11 o'clock, on the 28th, 29th, and 31st of May, and 1st, 2nd, 4th, and 5th of June, for the trial of causes without juries.

Probate causes, and causes for judicial separation, not requiring juries, will be taken on and after the 7th of June.

Probate causes, and causes for judicial separation requiring juries, will be taken on some day after the 7th of June hereafter to be named, and of which due notice will be given.

The Court will sit at Westminster at 11 o'clock, except on Wednesdays, when the Judge will sit in Chambers at 11 o'clock, and in Court, to hear motions, at 12 o'clock.

Papers for motions to be left with the Clerk of the Papers before 2 o'clock on Fridays.

Births, Marriages, and Deaths.

BIRTHS.

CURREY—On May 27, the wife of Frederick Currey, Esq., Barrister-at-law, of a son.

SARGEAUNT—On May 31, the wife of J. B. Sargeaunt, Esq., of the Inner Temple, Barrister-at-law, of a daughter.

MARRIAGES.

NORTH—LUCK—On May 23, Thomas North, Esq., to Fanny, only daughter of Richard Luck, Esq., Solicitor, Leicester.

PARRY—HERBERT—On May 24, Thomas Mostyn Parry, Esq., of Ford Bank, near Bowdon, Cheshire, to Laura Eliza, eldest daughter of Francis Herbert, Esq., of Chelsea and Bedford, Solicitor.

DEATHS.

BAUGH—On May 27, George Baugh, Esq., Solicitor, of Much Wenlock, aged 29.

SCAIFE—On May 25, aged 40, the Rev. George Scaife, M.A., Lin. Coll. Oxon, Incumbent of Elsecar, and only surviving brother of John Scaife, Esq., Solicitor, Newcastle-upon-Tyne.

SMITH—On May 25, aged 36, Mary Isabella, wife of George Smith, Esq., Solicitor, Durham.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

CAMPBELL, Lady PAMELA, Widow, Frescati, Blackrock, Dublin, and JULIA ELIZABETH HENRIETTA CAMPBELL, a minor, £107 : 7 : 4 Consols.—Claimed by Lady PAMELA CAMPBELL.

CAMPBELL, ROBERT ORCHARD, Merchant, Midnapore, Bengal, £514 : 15 : 6 Consols.—Claimed by ROBERT ORCHARD CAMPBELL.

GOSSET, Lady GERTRUDE MARTHA, Widow, Charlton-grove, Kent, deceased, £68 : 7 : 4 Reduced.—Claimed by RALPH ALLEN GOSSETT, and WILBRAHAM TAYLOR, the executors.

GREENWAY, WILLIAM WHITMORE, clerk, of Newbould, Leicestershire, THOMAS LANE, Gent., Freame Cottage, Finchley, Middlesex, BRIAN STEVENS, Gent., Hallonghton, Leicestershire, & WILLIAM COOPER, Gent., Great Glenn, Leicestershire, £166 : 0 : 6 New Three per Cent. Annuities.—Claimed by William Whitmore Greenway, & Thomas Lane, the persons named in the order.

HARDY, JOHN SMART, Stationer, Hanover-place, Rye-lane, Peckham, JAMES HARDY, Stationer, Peckham-road, EDWARD MITCHELL HARDY, Insurance Broker, Peckham-rye, & MITCHELL CHARLES HARDY, Gent., Peckham-road, £4,869 : 11 : 4 Consols.—Claimed by Mitchell Charles Hardy.

HAZELAND, ELIZABETH MARTHA, Spinster, Milvarton, Warwickshire, deceased, £56 : 5 : 11 Reduced Three per Cent. Annuities.—Claimed by Frances Louisa Hazeland, Spinster, the administratrix.

HOWARD, WILLIAM, Bricklayer, Paddington-street, Marylebone, deceased, £500 New Three per Cent. Annuities.—Claimed by Thomas Howard, the administrator.

MEREDITH, RICHARD ELLIS, gent., Lombard-street, deceased, £196 : 10 : 0 Reduced.—Claimed by HENRY VANDEWALL PRATINCH, JOHN TURNER MATTHEWS, acting executors of Ann Meredith, widow, deceased, who was the sole executrix of Richard Ellis Meredith, deceased.

PLINER, MARY, widow, of Strawberry-hill, Twickenham, deceased, £67 Long Annuities.—Claimed by ROBERT FALGATE, the administrator.

TWOPENY, RICHARD, Esq., 52nd Light Infantry, £1,100 Reduced.—Claimed by RICHARD TWOPENY.

VIAL, DANIEL, Gent., Milbourn, Derbyshire, deceased, £40 Reduced.—Claimed by JUSTIN THEODORE VULLIAMY, surviving executor of Benjamin Vulliamy, deceased, who was sole executor of Francis Justin Vulliamy, deceased, otherwise Justin Vulliamy, who was the surviving executor of Daniel Vial, deceased.

Heirs at Law.

Advertised for in the London Gazettes and elsewhere.

BARFOOT, SAMUEL, who died in 1843, at Cardiff. Samuel Barfoot, son of the above, who went to the Mauritius, and left there in 1852 for New South Wales, to apply to Richard Gibson, Esq., 41, John Dalton-street, Manchester.

DONELAN, HENRY, late of Buscar, East Indies, Paymaster of Her Majesty's 84th Regiment of Foot, who died on or about August 29, 1858. Next of kin to apply to the Solicitor to the Treasury, Whitehall.

LOCKETT, or LOCKIT, JOHN, late of 27, Little Albany-street North, St. Pancras, Middlesex, formerly of Aylsham, who died February 26, 1860. Wife and children to apply to Mr. W. L. Donaldson, No. 8, Southampton-street, Bloomsbury.

ROGERS, HENRY, otherwise HENRY WILLIAMS, late of 21, King-street, Camden-town. Charles Rogers, brother of the above, or next of kin to apply to Messrs. Dod & Longstaffe, 19, Great Portland-street, W.

WOODWARD, MARY ANN JANE, who died abroad in 1841. Next of kin to apply to Mr. De Bernardy, Foreign Law Agent, 9, Northumberland-street, Strand, E.C.

English Funds and Railway Stock.

(Last Official Quotation during the week ending Friday evening.)

	ENGLISH FUNDS.			RAILWAYS—*Continued.*	
			Shrs.		
	Bank Stock	229½	Stock	London and Blackwall.	71
	3 per Cent. Red. Ann..	93⅛	Stock	Lon. Brighton & S. Coast	114½
	3 per Cent. Cons. Ann.	94⅛	25	Lon. Chatham & Dover	12
	New 3 per Cent. Ann..	93⅛	Stock	London and N.-Wstrn..	101
	New 2½ per Cent. Ann.	79	12½	Ditto Eighths	par.
	Consols for account ..	94⅞	Stock	London & S.-Wstrn.	93⅜
	Long Ann. (exp. Apr. 5, 1885)	96⅜	Stock	Man. Sheff. & Lincoln..	42
	India Debentures, 1858.	..	Stock	Midland	116½
	Ditto 1859.	..	Stock	Ditto Birm. & Derby	96
	India Stock	..	Stock	Norfolk.....	54½
	India Loan Scrip.	..	Stock	North British	62
	India 5 per Cent. 1859..	106½	Stock	North-Eastn. (Brwck.)	96
	India Bonds (£1000) ..	..	Stock	Ditto Leeds	52½
	Do. (under £1000).....	2 dis.	Stock	Ditto York	80⅜
	Exch. Bills (£1000)...	10 p.	Stock	North London.....	107
	Ditto (£500)....	10 p.	Stock	Oxford, Worcester, & Wolverhampton ..	46
	Ditto (Small) ..	10 p.	20	Portsmouth.....	16
			Stock	Scottish Central.....	116
			Stock	Scot. N. E. Aberdeen Stock	35½
	RAILWAY STOCK.				
Shrs.			Stock	Do. Scotsh. Mid. Stk.	89
Stock	Birk. Lan. & Ch. Junc.	72	Stock	Shropshire Union	50
Stock	Bristol and Exeter	104	Stock	South Devon	43
Stock	Caledonian	91	Stock	South-Eastern	85½
20	Cornwall	7	Stock	South Wales	69
Stock	East Anglian	16	Stock	S. Yorkshire & R. Dun	80
Stock	Eastern Counties	54½	25	Stockton & Darlington	39½
Stock	Eastern Union A. Stock	38	Stock	Vale of Neath	60
Stock	Ditto B. Stock	27			
Stock	East Lancashire	..			
Stock	Edinburgh & Glasgow.	79		*Lines at fixed Rentals.*	
Stock	Edin. Perth, & Dundee	31			
Stock	Glasgow and South-Western	103	Stock	Buckinghamshire	98
	Great Northern	115½	Stock	Chester and Holyhead.	52
Stock	Ditto A. Stock	117	Stock	Ditto 5½ per Cent...	127
Stock	Ditto B. Stock	133	Stock	Ditto 5 per Cent ..	115
Stock	Gt. Southn. & Westn. (Ireland)	114	Stock	East Lincoln, guar. 6 per Cent	140
Stock	Great Western	68⅞	50	Hull and Selby	111
Stock	Lancaster and Carlisle.	..	Stock	London and Greenwich	65
	Ditto Thirds..	..	Stock	Ditto Preference..	120
	Ditto New Thirds..	..	Stock	Lon., Tilbury, Sthend ..	97
Stock	Lancash. & Yorkshire	104½	Stock	Shrewsbury & Herefd.	103
			Stock	Wilts and Somerset ..	94

London Gazettes.

Professional Partnership Dissolved.

FRIDAY, *June* 1, 1860.

CRIPPS, WILLIAM CHARLES, & GEORGE PALMER CLARKSON, Attorneys-at-Law & Solicitors, Tonbridge-wells, Kent; by mutual consent. May 29.

Winding-up of Joint Stock Company.

LIMITED IN BANKRUPTCY.

TUESDAY, *May* 29, 1860.

MARYLEBONE GAS CONSUMERS COMPANY, LIMITED.—Com. Holroyd has appointed June 21, at 1, at Basinghall-street, for creditors to prove their debts.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, *May* 29, 1860.

COOK, SARAH, Hair Dresser & Stationer, 82, High-street, Notting-hill (who died on Feb. 3, 1860). Lovett, Executor (no address given). June 30.

MEYER, JOHN, General Merchant & Wine Merchant, Sand-street, Birmingham, and of Winson-green, near Birmingham (who died on or about Nov. 4, 1859). Hodson & Allen, Solicitors, 13, Waterloo-street, Birmingham. Nov. 4.

PIGOT, CHARLES, Solicitor, 24, King-street, Wigan, Lancashire. Pigot & Ambler, Solicitors, Wigan. June 15.

RILEY, ROBERT, Crown inn, Deansgate, Manchester (who died on June 10, 1858). Tindall & Varey, Solicitors, 49, King-street, Manchester. June 30.

SIM, WILLIAM, Gent., 8, King's Bench-walk, Inner Temple, London, and also of Coombe-wood, Kingston, Surrey (who died on or about June 7, 1859). Chilton & Burton, Solicitors, 7, Chancery-lane. June 25.

SMITH, MARY, Widow, Hornchurch, Essex (who died on Sept. 23, 1859). Surridge & Francis, Solicitors, Romford, Essex. June 9.

WOODWARD, BETSEY, Widow, Alverstoke, Southampton (who died on or about April 14, 1860). Sole, Turner, & Turner, Solicitors, 68, Aldermanbury, London. June 25.

FRIDAY, *June* 1, 1860.

GREEN, WILLIAM JOHN, Gent., Cottage-grove, Southsea, Southampton (who died on July 13, 1859). Low, Solicitor, 16, St. George's-square, Portsea, Hants. July 2.

HEAVER, MICHAEL, Miller, Broxbourne, Hertfordshire (who died on March 1, 1860). Armstrong, Solicitor, 33, Old Jewry, London. July 2.

JOHNSON, WILLIAM, Farmer & Grazier, Great Alne, Warwickshire (who died on Oct. 5, 1857). Gregory, Gregory, Skirrow, & Rowcliff, Solicitors, 1, Bedford-row, Middlesex. June 30.

POWNALL, JAMES, Silk Manufacturer, Pennington-hall, Leigh, Lancashire (who died on Oct. 14, 1859). Barlow, Solicitor, 1, Town Hall-buildings, Cross-street, Manchester. July 14.

SMITH, WILLIAM, Relieving Officer, King's Langley, Hertfordshire (who died on June 15, 1859). Grover or Stallon, both of Hemel Hempstead, Hertfordshire, Executors. July 2.

SMYTHE, THOMAS, Barrister-at-Law, Chancery-lane, Middlesex, and of Torquay, Devonshire (who died on April 24, 1860). Capes, Solicitor, Gray's-inn. July 14.

WILLIAMS, NATHANAEL, Gent., Bagshot, Surrey (who died on or about March 15, 1847). Boulton & Sons, 21A, Northampton-square, Clerkenwell, Middlesex. July 10.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, *May* 29, 1860.

HILL, WILLIAM, Gent., Market Harborough, Leicestershire (who died in or about Dec., 1858). Biggs v. Foster, M.R. June 25.

HIPKINS, STEPHEN, Gent., Wollescote-hall, Old Swinford, Worcestershire (who died in or about June, 1859), Hipkins v. Corbett, V.C. Stuart. June 30.

LIPTRAP, AMELIA CAROLINE, Spinster, also known by the name of AMELIA CAROLINE WILCOX, late of Queen's-crescent, Southsea, and afterwards of Puckeridge, Herts (who died in or about May, 1857). Summers v. Tollit & others, V.C. Stuart. June 27.

FRIDAY, *June* 1, 1860.

BUCKLEY, WILLIAM, Gent., Type-street, Green-street, Bethnal-green, Middlesex (who died in Dec., 1859). Buckley v. Lapworth, M.R. June 25.

DYER, EDWARD, Builder, Jonsons-place, Harrow-road, Paddington, Middlesex (who died in or about Dec., 1858). Dyer v. Collins, V.C. Stuart. June 22.

NICKOLL, FRANCES, Spinster, Canterbury (who died in or about July, 1858). Fielding v. Nickoll & Others, M.R. June 25.

WEST, ALICIA, Tonbridge (who died in about Dec., 1859). West v. West, V.C. Stuart. June 30.

(County Palatine of Lancaster).

FLETCHER, SAMUEL, Gent., Ardwick-place, Manchester (who died on or about Sept. 28, 1858). Fletcher v. Fletcher & Others. June 27.

Assignments for Benefit of Creditors.

TUESDAY, *May* 29, 1860.

FISH, LAZARUS JOSIAH, Grocer, Brighton. May 1. *Trustees*, M. Wallis, Wholesale Grocer, Brighton; J. Farnes, Wholesale Grocer, Lewes. *Sol.* Stevens, Brighton.

HEARN, JOHN, Miller & Maltster, Beyton, Suffolk. May 3. *Trustees*, R. Hearn, Merchant, Bacton; H. Roper, Merchant's Clerk, Bury St. Edmunds. *Sol.* Salmon, Bury St. Edmunds.

HICKS, WILLIAM, Builder, Chatham, Kent. May 10. *Trustees*, H. J. Hare, Timber Merchant, Chatham; J. Wyles, Farmer, Darland. Kent; W. B. Spencelayh, Ironmonger, Chatham. *Sols.* Prall & Son, Rochester.

FRIDAY, *June* 1, 1860.

BINGHAM, JAMES, Wheelwright, Sutton St. Mary, otherwise Long Sutton, Lincoln. May 18. *Trustee*, T. Wright, Iron Merchant, Boston. *Sol.* Ayliff, Holbeach, Lincoln.

CHILD, JAMES JOSEPH, Grocer, Norwood, Surrey. *Trustees*, F. Trowell, Egg Merchant, Old Kent-road, Surrey; J. Pontifex, Provision Merchant, High-street, Borough, Surrey. *Sol.* Armstrong, 33, Old Jewry, London.

HIND, WILLIAM OTTER, Cabinet Maker, Gainsborough, Lincoln. May 12. *Trustee*, J. Fidell, Timber Merchant, Gainsborough. *Sol.* Hayes, Gainsborough.

PADMORE, GEORGE, jun., Shoe Manufacturer, Northampton. *Trustee*, T. Shephard, Leather Merchant, Northampton. *Sol.* Dennis, 33, Sheep-street, Northampton.

SMITH, WILLIAM, Joiner and Smack Owner, Kingston-upon-Hull. May 26. *Trustees*, J. Hallett, Ship Builder, 24, Caroline-place, Kingston-upon-Hull; W. H. Boden, Merchant, 15, Wellington-terrace, Kingston-upon-Hull. *Sols.* England, Saxelbye, & Roberts, Quay-street-Chambers Kingston-upon-Hull.

STAFFORD, WILLIAM, Boot & Shoe Manufacturer, Leicester. May 16. *Trustees*, D. Garner, Boot & Shoe Manufacturer, Leicester; H. Durrad, Hosier, Leicester. *Sol.* Harvey, Leicester.

SUTTON, JOHN, Boot & Shoe Maker, Eastbourne, Sussex. May 26. *Trustees*, T. Geering, Currier, Hailsham; H. Noakes, Currier, Lewes. *Sol.* Coles, Eastbourne.

TUCKER, WILLIAM, Biscuit Manufacturer, Hartlepool, Durham. April 30. *Trustees*, J. Foxton, Miller, Osmotherly, York; H. Groves, Common Brewer, Hartlepool. *Sol.* Hines, King-street, Hartlepool.

WEYMAN, EDWARD RICHARD, Ironmonger, Knighton, Radnor. May 8. *Trustees*, W. Gough, Ironmonger, Birmingham; J. Cooper, Ironmonger, Ludlow; C. Edwards, Farmer, Skyborry, Salop; and J. Powis, Ironmonger, 26, Watling-street, London. *Sols.* Green & Peters, Knighton.

WRIGHT, GEORGE, Cutler, Surrey Works, Cadman-lane, Sheffield. May 14. *Trustee*, W. Horridge, Horn Merchant, Barker Pool, Sheffield. *Sol.* Freston, Sheffield.

YOUNG, JAMES, Grocer & Draper, Highbridge, Burnham, Somerset. May

5. *Trustees*, J. Young, Gent., Huntspill, Somerset; G. Palmer, Accountant, Berrow, Somerset. *Sol.* Brice, Bridgewater, Somerset.

Bankrupts.

TUESDAY, *May* 29, 1860.

AXTELL, JAMES ALFRED, WILLIAM RUDD KNIGHTS, & WILLIAM AXTELL, Tanners, 1, White's-ground, Bermondsey, Surrey, and St. Neots, Huntingdonshire. *Com.* EVANS: June 8, at 12.30; and July 12, at 12; Basinghall-street. *Off. Ass.* Bell. *Sol.* Fitch, Union-street, Southwark. *Pet.* May 19.

BARNES, RICHARD, Shoe Manufacturer & Publican, Norwich. *Com.* Fane: June 9, at 11; and July 6, at 1.30; Basinghall-street. *Off. Ass.* Whitmore. *Sols.* Sole, Turner, & Turner, 68, Aldermanbury; or Miller, Son, & Bugg, Norwich. *Pet.* May 23.

BROOK, EDWIN, Cattle Dealer, Charsfield, Suffolk. *Com.* Fonblanque: June 6, at 2; and July 4, at 1; Basinghall-street. *Off. Ass.* Stansfeld. *Sols.* Kingsford & Dorman, 23, Essex-street, Strand, London; or Wood, Woodbridge. *Pet.* May 16.

EDWARDS, HENRY, Merchant, Birmingham. *Com.* Sanders: June 9, and July 7, at 11; Birmingham. *Off. Ass.* Kinnear. *Sol.* Suckling, Birmingham. *Pet.* May 26.

HYNDMAN, JOHN, Beer & Porter Merchant, & Licensed Victualler, Dock-street, Newport, Monmouthshire. *Com.* Hill: June 12, and July 10, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Abbot, Lucas, & Leonard, Bristol. *Pet.* May 19.

LONG, WILLIAM, Innkeeper, late of Dock-street, Newport, Monmouthshire, now of Hill-street, Newport. *Com.* Hill: June 18, and July 17, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* King & Plummer, Bristol. *Pet.* May 22.

ROACH, CHARLES, Hosier, Devizes, Wilts. *Com.* Hill: June 11, and July 10, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Davidson, Bradbury, & Hardwick, Basinghall-street, London; or Whittington & Gribble, Bristol. *Pet.* May 22.

SPENCER, TIMOTHY, Tailor, 4, Artillery-place, Woolwich, Kent. *Com.* Fonblanque: June 8, at 1.30; and July 4, at 2; Basinghall-street. *Off. Ass.* Stansfeld. *Sol.* Taylor, 19, Old Burlington-street, London. *Pet.* May 28.

TYSON, WILLIAM, Flour Dealer, 28, Milk-street, Liverpool. *Com.* Perry: June 11, and July 6, at 11; Liverpool. *Off. Ass.* Cazenove. *Sol.* Toulmin, 57, Roscoe-street, Liverpool. *Pet.* May 17.

WELCH, JOHN WELLINGTON, Warp Sizer, Manchester; adjourned into public Court. June 21, and July 12, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Sale, Worthington, Shipman, & Seddon. Fountain-street, Manchester. *Pet. for arrgmt.* April 26.

WILLIAMS, JOHN, Draper, Cardiff, Glamorganshire. *Com.* Hill; June 12, and July 10, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Bevan, Girling, & Press, Bristol. *Pet.* May 21.

WILLIAMSON, PETER, jun., Grocer, Salford. June 13, and July 11, at 12; Manchester. *Off. Ass.* Pott. *Sol.* Sutton, Marsden-street, Manchester. *Pet.* May 23.

WORTLEY, EDWARD, Builder, 11, Alpha-terrace, Willesden, Middlesex. *Com.* Goulburn: June 11, at 12.30; and July 16, at 1; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Roche & Gover, 33, Old Jewry, London. *Pet.* May 25.

FRIDAY, *June* 1, 1860.

BAXTER, SAMUEL, Ship's Smith, Windlass & Capstan Manufacturer, 73, Minories, London, and Glass House-street, Upper East Smithfield, Middlesex. *Com.* Evans: June 14, & July 12, at 2; Basinghall-street. *Off. Ass.* Johnson. *Sol.* French, Crutched Friars. *Pet.* May 31.

EDWARDS, JOHN PLIMLEY, Merchant, Birmingham. *Com.* Sanders: June 14, & July 27, at 11; Birmingham. *Off. Ass.* Whitmore. *Sol.* Suckling, Birmingham. *Pet.* May 22.

FENN, WILLIAM, Underwriter & Insurance Broker, 11, New Broad-street, London, and late of Lloyd's Coffee-house. *Com.* Evans: June 14, at 12; & July 12, at 1; Basinghall-street. *Off. Ass.* Johnson. *Sols.* Linklater & Hackwood, Walbrook. *Pet.* May 30.

GIBSON, ADAM, Factor, Suffolk-street, Liverpool. *Com.* Perry: June 11, & July 6, at 12; Liverpool. *Off. Ass.* Bird. *Sols.* Aspinall & Bird, Liverpool. *Pet.* May 28.

KIRK, JAMES, & GEORGE RAYNER, Silk Manufacturers, Silk Dealers, & Agents, Manchester (Kirk & Rayner.) *Com.* Jemmett: June 21, & July 12, at 12; Manchester. *Off. Ass.* Hernaman. *Sol.* Boote, Brown-street, Manchester. *Pet.* May 25.

LANGFORD, SAMUEL, Leather Seller, 37, Myddelton-street, Clerkenwell, Middlesex. *Com.* Holroyd: June 12, at 2.30; & July 17, at 1; Basinghall street. *Off. Ass.* Lee. *Sol.* Keighley, 7, Ironmonger-lane, London. *Pet.* May 31.

NOBLE, KEESHAW, Joiner & Carpenter, Ambler Thorn, Northowram, Halifax, Yorkshire. *Com.* Ayrton: June 12, & July 9, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Wavell, Philbrick, & Foster, Halifax; or Bond & Barwick, Leeds. *Pet.* May 29.

PALMER, THOMAS, Maltster & Beershop Keeper, Wellesbourne, Warwickshire. *Com.* Sanders: June 11, & July 9, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Newsam, Warwick; or James & Knight, Birmingham. *Pet.* May 28.

SWIFT, DANIEL, Butcher, Deeping Saint James, Lincolnshire. *Com.* Sanders: June 14, & July 5, at 11; Nottingham. *Ass. Off.* Harris. *Sols.* Bowley & Ashwell, Nottingham. *Pet.* May 19.

WALE, ALFRED, Hosier, Nottingham. *Com.* Sanders: June 12, & July 3, at 11.30; Nottingham. *Ass. Off.* Harris. *Sol.* Wells, Fletcher-gate, Nottingham. *Pet.* May 31.

WALTON, GEORGE HODDINOTT, Linen Draper, Tailor, & Grocer, Somerton, Somersetshire. *Com.* Andrews: June 13, & July 11, at 11; Exeter. *Off. Ass.* Hirtzel. *Sols.* Blake, Langport, Somerset; or Turner & Hirtzel, Exeter. *Pet.* May 31.

BANKRUPTCY ANNULLED.

TUESDAY, *May* 29, 1860.

ADAMS, SAMUEL, Banker, Ware, Hertfordshire (Samuel Adams & Co.) May 4.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *May* 29, 1860.

ALLEN, RICHARD BEDFORD, Insurance Broker & Underwriter, Lloyd's Coffee-house, London, and Hoe-street, Walthamstow, Essex. June 21, at 11.30; Basinghall-street.—AYDON, ELIZABETH, & THOMAS WILLIAM FERGUSON, Grocers & Tea Dealers, Newcastle-upon-Tyne (Aydon & Ferguson). June 19, at 11.30; Newcastle-upon-Tyne.—BEALE, MILES, Iron & Brass Founder & Engineer, St. Leonard's Iron Works, Gray-street, Poplar, Middlesex (Roberts & Co), also of 15, Surrey-street, Strand, and FRANCIS WILLIAM BISHOP, Navy Agent, 15, Surrey-street, Strand, Middlesex (Goode & Co.) June 19, at 12; Basinghall-street.—BENSUSAN, MENAHEM LEVY, SAMUEL LEVY BENSUSAN, JACOB LEVY BENSUSAN, & JOSHUA LEVY BENSUSAN, Merchants, 6, Magdalen-row, Great Prescott-street, Goodman's-fields, Middlesex (M. L. Bensusan & Co.) June 20, at 11; Basinghall-street.—CUCKOW, GEORGE, Grocer, Woodbridge, Suffolk. June 11, at 1; Basinghall-street.—ELTOFT, GEORGE, Draper & Outfitter, Bradford. June 25, at 11; Leeds.—FOSSEY, GEORGE, & JAMES STEEL, Timber Merchants, Norway-wharf, Millwall, Middlesex (Fossey & Steel). June 20, at 12.30; Basinghall-street.—HALEY, JOSEPH, & WILLIAM THOMASON, Cotton Manufacturers, Church-street, Manchester. June 21, at 12; Manchester. Same time, sep. est. of William Thomason.—HILL, THOMAS, Broker, Liverpool. June 19, at 11; Liverpool.—LIGHTFOOT, THOMAS, Ship Builder, Sunderland. June 20, at 12.30; Newcastle-upon-Tyne.—MORGAN, EDWARD, Wholesale Stationer, Cheapside, London (Wilson, Morgan, & Co.) June 20, at 1; Basinghall-street.—MORRISON, RICHARD, Guano Dealer, & Dealer in Cattle Food, Carlisle. June 20, at 11.30; Newcastle-upon-Tyne.—NEWTON, ALEXANDER LEVI, Merchant, Bury-street, St. Mary Axe, London. June 20, at 11.30; Basinghall-street.—PHILLIPS, NATHANIEL, Banker, Haverfordwest. June 21, at 11; Bristol.—SALDOR, FREDERICK, Corn Factor, Plymouth, Devonshire. June 4, at 12.30; Plymouth.—SIMCOX, GEORGE PRICE, Carpet Manufacturer, Hendham-vale, Collyhurst, Manchester. June 8, at 12; Manchester.—SMART, HENRY, Printer, Bookbinder, & Stationer, Gloucester. June 21, at 11; Bristol.—SMITH, JOHN PETER GEORGE, Banker, Liverpool. June 25, at 11; Liverpool.—STEVEN, JAMES, Hatter, Newcastle-upon-Tyne. June 20, at 11; Newcastle-upon-Tyne.—WINDUS, ARTHUR EDWARD, Tie & Scarf Manufacturer, 20, Aldermanbury, London (A. E. Windus & Co.) June 20, at 12; Basinghall-street.

FRIDAY, *June* 1, 1860.

ALLEN, JOHN, Boot & Shoe Manufacturer, 11, Broadway, Deptford, Kent, and 1, Grey Eagle-street, Spitalfields, Middlesex. June 13, at 11; Basinghall-street.—BALL, JOSEPH CHARLES, Miller, Salisbury. June 22, at 11.30; Basinghall-street. BEVIL, JOHN WILLIAM, Tobacconist, Cheltenham. June 20, at 2; Basinghall-street.—BOYDEN, THOMAS, & JOSEPH EDWARD MANSFORD, Merchants, 7, Cullum-street, London, (Boyden & Mansford). June 22, at 2.30; Basinghall-street. Same time sep. est. of Thomas Boyden.—DAVIDSON, SAMUEL, & ADOLPH KANTER, Importers of Foreign Merchandise, & General Merchants, 14a, Saint Mary Axe, London, (Davidson, Pfahl, & Co.). June 22, at 11, Basinghall-street.—DAVIS, JAMES, Poulterer & Dealer in Game, Skinner's-place, Leadenhall Market, London. June 22, at 11.30; Basinghall-street.—DAVIS, JOHN WILSON, Grocer & Tea Dealer, Deptford, Kent. June 22, at 2; Basinghall-street.—ELGAR, JAMES, Wholesale Grocer & Tallow Chandler, Fletton, Huntingdonshire. June 22, at 1; Basinghall street.—FREEMAN, HENRY, & CHARLES CHARTIER, Licensed Victuallers, 73, Cheapside, London. June 23, at 11; Basinghall-street.—HADWEN, ISAAC JAMES, & JAMES LAMONT MCGREGOR, & Co., Merchants, Liverpool, Lancashire, & of Havanna. June 25, at 11; Liverpool.—JACKSON, WILLIAM, Surgeon & Apothecary, 42, Brewer-street, Saint Pancras, Middlesex, and also Butcher, 10, Queen's-terrace, Maiden-lane, Camden-town, Middlesex. June 22, at 12; Basinghall-street.—JONES, JOHN WARD, & SIGSMUND DITRICHSTEIN, Merchants, Great Saint Thomas Apostle, London. June 13, at 2.30; Basinghall-street.—MORTON, JOHN LOCKART, Merchant, 8, Finch-lane, London. June 22, at 11; Basinghall-street.—ORMESHER, JAMES, & WILLIAM ORMESHER, Silk Manufacturers, Manchester, and of Blackley, Lancashire (James & William Ormesher.) June 13, at 12; Manchester.—PROCTER, WILLIAM, Linen Draper, Leeds. June 22, at 11; Leeds.—SELBY, THOMAS, & SILAS NORTON, Scriveners, Town Malling, Kent. June 22, at 11; Basinghall-street.—SMITH, HENRY JOSEPH, Corn Dealer, Newbery, Berkshire. June 22; at 11.30; Basinghall-street.—TEAL, EDWARD, & REUBEN TEAL, Boat Builders, Leeds, (E. & R. Teal.) June 22, at 11; Leeds.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *May* 29, 1860.

MARRIS, WILLIAM, Draper, Nottingham. June 26, 11.30; Nottingham.—MILLER, WILLIAM, Coffee & Lodging-house Keeper, & retailer of Beer, Gothic Hall, Broadway, Deptford, Kent. June 21, at 11; Basinghall-street.—MOUNTFORD, JOHN, Parian Manufacturer, Stoke-upon-Trent, Staffordshire. June 25, at 11; Birmingham.—PYKE, HENRY, Tailor, 7, Newcastle-place, Edgware-road, Middlesex. June 20, at 1.30; Basinghall-street.—RICHARDSON, GEORGE, & GEORGE TOMLINSON FRANCE, Cloth Merchants, Huddersfield, Yorkshire. July 2, at 11; Leeds.—SOUTHWARD, JACKSON, Printer & Stationer, 119, Pitt-street, Liverpool. June 19, at 11; Liverpool.—ZELTNER, HENRY, & JOSEPH SHIERS, Fancy Trimming Manufacturers, Dale-street, Manchester (H. Zeltner). June 21, at 12; Manchester.

FRIDAY, *June* 1, 1860.

BISHOP, DAVID WILLIAMS, & JOHN FOX FARBRIDGE, East India Merchants, 69, Cornhill, London. June 22, at 11; Basinghall-street.—CHARD, THOMAS, Agent for the sale of Flour, 17, King-square, Bristol. June 25, at 11; Bristol.—DAVIDSON, SAMUEL, & ADOLPH KANTER, Importers of Foreign Merchandise and General Merchants, 14a, St. Mary Axe, London (Davidson, Pfahl, & Co.). June 22, at 11; Basinghall-street.—ELGAR, JAMES, Wholesale Grocer & Tallow Chandler, Fletton, Huntingdonshire. June 22, at 1; Basinghall-street.—JAMES, WILLIAM, Bolt, Nut, Screw, and Tool Manufacturer, Dudley, Worcestershire. June 28, at 11; Birmingham.—KELSEY, JAMES, & EDMUND KELSEY, Tailors & Drapers, Nuneaton, Warwickshire. June 28, at 11; Birmingham.—PARRY, SAMUEL, Boarding & Lodging-house Keeper, 78, & 79, Queen-street, Cheapside, and 25, Mildmay-park, Islington, Middlesex. June 28, at 2; Basinghall-steet.—SHIELD, MATTHEW, Ship Owner & Merchant, 7, Great Queen-street, Westminster, Middlesex. June 25, at 12; Basinghall-street.—TANNER, ROBERT, Tea Dealer & Grocer, 3, Maryland-street, Stratford, Essex. June 22, at 12; Basinghall-street.—WAGHORN, WILLIAM PRICE, Grocer & Draper, Stratton House, Westerham, Kent, late of Tatsfield-court, Tatsfield, Surrey, formerly of Horsmond, Kent. June 23, at 11.30; Basinghall-street.—WILLIAMS, JOHN, Chemist, Druggist, Printer, Bookseller, & Stationer, Horseley-heath Tipton, Staffordshire. June 28, at 11; Birmingham.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *May* 29, 1860.

BUSH, JOHN, WHITTAKER, Colour Manufacturer, Wandsworth Colour Works, Wandsworth, Surrey. May 22, 1st class.—CALVOCORESSI, ANTONIO, Merchant, Manchester. May 23, 2nd class.—CROSS, ROBINSON, Grocer, Draper, Druggist, & Ironmonger, Hagworthingham, Lincolnshire. May 23, 3rd class.—HOPKINS, THOMAS WEARE, Hosier & Haberdasher, 104, King's-road, Chelsea, Middlesex. May 21, 2nd class, after a suspension of three months.—JENNENS, THEODORE HYLA, Papier Maché Manufacturer & Japanner, 6, Halkin-street West, Belgrave-square, and Church-street, Chelsea, Middlesex. May 22, 1st class.—KEMP, HENRY FRIDLINGTON, & WILLIAM SKEY, Distillers, Louth. May 23, 2nd class.—MATISON, SYLVESTER, Butcher & Ship Store Dealer, late of 50, Regent-road, Liverpool, now of Galton-street, Liverpool. May 25 3rd class, subject to a suspension of twelve months from May 25, 1860.—MINTORN, JOHN, jun., Manufacturer of Materials for Wax Flowers & Dealer in Alabaster Articles and Glass Shades, 106, New Bond-street, Middlesex. May, 19, 2nd class.—MOATE, CHARLES ROBERT, Metal Broker & Merchant, 65, Old Broad-street, London. May 23, 2nd class.—NEWSTEAD, EMMA, Licensed Victualler, Bedford-street, Bedford-row, Holborn, London. May 23, 2nd class.—ORMROD, ELI, & RICHARD ROBERTS, Commission Agents & Merchants, Manchester (Eli Ormrod & Co.). May 18, 2nd class.—REES, RICHARD, Cabinet Maker, Carmarthen, Llanelly. May 22, 3rd class, after a suspension of six months.—ROE, JOHN, Merchant & Commission Agent, Southtown, Little Yarmouth, Suffolk. May 25, 2nd class.

Scotch Sequestrations.

TUESDAY, *May* 29, 1860.

NORWELL, JAMES, & SON, Auctioneers, Glasgow. June 5, at 12; Faculty-hall, St. George's-place, Glasgow. *Seq.* May 23.

PETRIE, JAMES, Farmer & Flesher, Auchinclae, Fordoun. June 9, at 12; Kintore Arms Inn, Auchinblae. *Seq.* May 25.

FRIDAY, *June* 1, 1860.

DORNING, or DORNIN, DANIEL, Steamboat Steward, Glasgow, sometime a Partner of T. & D. Dornin, Restaurateurs there. June 8, at 12; Crow-hotel, George-square, Glasgow. *Seq.* May 28.

KILGOUR, JAMES, Baker, Dundee. June 9, at 12; British-hotel, Dundee. *Seq.* May 29.

KING, GEORGE, lately Wine Merchant, 8, Tarlinton-place, Edgware-road, London, presently residing in 19, Drummond-street, Edinburgh. June 5, at 2; Dowell's & Lyon's-rooms, 18, George-street, Edinburgh. *Seq.* May 29.

MACLEAN, JOHN, Spirit Merchant, Murray-gate, Dundee. June 11, at 12; British-hotel, Dundee. *Seq.* May 30.

PAUL, JAMES, Commission Agent & Shipowner, Dundee. June 8, at 11; Royal-hotel, Nethergate, Dundee. *Seq.* May 28.

WILSON, ALEXANDER, Cattle Dealer, Kilncadzow, Carluke, Lanark. June 8, at 12; Hamilton Arms Inn (Arkle's), Hamilton. *Seq.* May 28.

Absolute Reversion to Money in the Funds and on Mortgage, a Life Interest in Land, at Newport, Essex, and Two Policies of Insurance.

MESSRS. ABBOTT & WRIGGLESWORTH will SELL by AUCTION, by order of the Assignees under the Bankruptcy of Mr. John Rowland Lyon, of Cambridge, on WEDNESDAY, JUNE 6, at ONE precisely, at the AUCTION MART, opposite the Bank of England, in Two Lots, the ABSOLUTE REVERSION, on the death of a lady in the 76th year of her age, to an UNDIVIDED equal THIRD SHARE of £2,000 in the Three per Cent. Consolidated Bank Annuities; £597 16s. 9d. New Three per Cents.; £700 sterling, well secured on freehold property; and a policy of insurance for £300, effected on the life of Mr. John Rowland Lyon, in the National Provident Institution. The life interest of Mr. John Rowland Lyon, who is in the 46th year of his age, in one undivided half-part of the rents and profits of upwards of 13 acres of pasture and arable land, at Newport, Essex, in the occupation of Messrs. Day and Buck, at rents amounting to £37 a year, and a policy of insurance for £200, effected on the life of Mr. John Rowland Lyon, in the National Provident Institution.

Particulars and conditions of sale may be had of Mr. JAMES HUNT, Solicitor, Cambridge; Messrs. READ, Solicitors, Mildenhall, Suffolk; of Mr. PENNELL, Official Assignee, Guildhall Chambers, Basinghall-street, London; and of Messrs. ABBOTT & WRIGGLESWORTH, 26, Bedford-row, London, W.C., and Eynesbury, St. Neot's, Huntingdonshire.

Valuable Long Leasehold Investments, St. George's-square, Pimlico.

MESSRS. ABBOTT & WRIGGLESWORTH will SELL by AUCTION, at the MART, opposite the Bank of England, on WEDNESDAY, 6th of JUNE, at ONE o'Clock precisely, in Two Lots, peremptorily, by order of the Mortgagees in possession, under a power of sale, that very desirable private RESIDENCE, No. 2, St. George's-square, Pimlico, pleasantly situate at the corner of Moreton-street West, containing three reception-rooms, two principal and five secondary bed-rooms, small conservatory, good kitchen, scullery, housekeeper's-room, wine, ale, and coal cellars, held on lease direct from the freeholder for an unexpired term of 78 years from Lady-day, 1860, at a ground-rent of £15 a-year, and let to Mr. Bennett, at £70 a-year; also the adjoining Residence, No. 4, St. George's-square, containing three reception-rooms, two principal and four secondary bed-rooms, good kitchen, scullery, and housekeeper's-room, wine, ale, and coal cellars, held on lease direct from the freeholder for an unexpired term of 78 years from Lady-day, 1860, at a ground-rent of £13 a-year, let to the Rev. George Trevor, at £75 a-year.

May be viewed by permission of the tenants, with cards, which may be had of the Auctioneers. Printed particulars and conditions of sale may be had of R. J. DOBIE, Esq., Solicitor, 34, Bedford-row, W.C.; at the Mart; on the premises; and of Messrs. ABBOTT & WRIGGLESWORTH, Land Agents and Auctioneers, 26, Bedford-row, W.C., and Eynesbury, St. Neot's, Huntingdonshire.

STAINES, MIDDLESEX.—Valuable Freehold Residence.

MESSRS. ABBOTT & WRIGGLESWORTH will SELL by AUCTION, at the MART, opposite the Bank of England, on WEDNESDAY, the 6th day of JUNE, at ONE o'Clock precisely, in Four Lots, by order of the Trustees for Sale, with early possession, the valuable FREEHOLD RESIDENCE, with upwards of six acres of Land, tastefully laid out in pleasure grounds, gardens, and paddocks, lately in the occupation of Mrs. Maddeford, deceased, known as Staines Villa, situate on the main road, and within a few minutes' walk of the railway station; comprising a most comfortable house, in beautiful order, containing front and back entrances, staircases, dining-room, drawing-room, boudoir, four principal and four secondary bed-rooms, housekeeper's room, two kitchens, scullery, washhouse, larder, dairy, wine, ale, and coal cellars; with a two-stall stable, coach-house, harness-room, and other conveniences; orchard, flower, and kitchen gardens, a conservatory opening from the drawing-room, hot-house (with vines in full bearing), green-house, summer-house, aviary, and garden-tool-house; having 450 feet of frontage to the main road, from which it is screened by a plantation, the whole occupying six acres, and being of the estimated value of £150 a-year. The adjoining Freehold Dwelling-house, in the occupation of Dr. Simmond, containing dining-room, drawing-room, four bed-rooms, kitchen, scullery, washhouse, pantry, and cellars, producing £26 a-year; and Two Freehold Cottages, nearly adjoining, in the occupation of Messrs. Bone and Tyler, most respectable tenants, producing £28 a-year.

To be viewed by cards only, which may be had of the Auctioneers. Printed detailed particulars, with conditions of sale and plans of the lots, may be had of Messrs. PARKER, ROOKE, & PARKERS, Solicitors, 17, Bedford-row, London; of Messrs. Clement, Solicitors, Alton; at the Railway Hotel, Staines; on the premises; at the Mart; and of Messrs. ABBOTT & WRIGGLESWORTH, Land Agents and Auctioneers, 26, Bedford-row, London, and Eynesbury, St. Neot's, Huntingdonshire.

ISLINGTON.

MESSRS. ABBOTT & WRIGGLESWORTH are instructed to SELL by AUCTION, at the MART, opposite the Bank of England, on WEDNESDAY, JUNE 6, at ONE precisely, with immediate possession, the long LEASEHOLD PRIVATE RESIDENCE, No. 20, Warren-street, Islington; containing four bed-rooms, two parlours, kitchen, wash-house, good cellars and enclosed yard; held on lease for an unexpired term of 72 years from Midsummer, 1860, at the rent of a peppercorn, now on hand but estimated to produce £30 a-year.

Printed particulars and conditions of sale may be had of Messrs. PARKER, ROOKE, & PARKERS, Solicitors, 17, Bedford-row; of Messrs. CLEMENTS, Solicitors, Alton, Hants; on the premises; at the Mart; and of Messrs. ABBOTT & WRIGGLESWORTH, Land Agents and Auctioneers, 26, Bedford-row, London, and Eynesbury, St. Neot's, Huntingdonshire.

CAMBRIDGE.

MESSRS. ABBOTT & WRIGGLESWORTH will SELL by AUCTION, at the MART, opposite the Bank of England, on WEDNESDAY, JUNE 6, at ONE precisely, by order of the Assignees, under the bankruptcy of Mr. John Rowland Lyon, and with the consent of the Mortgagee, without reserve, an old-licensed FREEHOLD PUBLIC-HOUSE, known as the William and Mary, on Maid's-causeway, in the occupation of Mrs. Huntler, and the adjoining Freehold Dwelling-house, and Grocer's Shop, in the occupation of Mr. Gotobed, with yard, stabling, and out-buildings.

Particulars may be had of Mr. PRIOR, Solicitor, Cambridge; of Mr. PENNELL, the Official Assignee, Guildhall-chambers, Basinghall-street, London; on the premises: at the "Independent Press" office; and of Messrs. ABBOTT & WRIGGLESWORTH, 26, Bedford-row; and Eynesbury St. Neots, Huntingdonshire.

ROMFORD, ESSEX.

MESSRS. ABBOTT & WRIGGLESWORTH will SELL by AUCTION, on WEDNESDAY, JUNE 6, at ONE precisely, at the AUCTION MART, opposite the Bank of England, by order of the Assignees under the bankruptcy of Mr. John Rowland Lyon, of Cambridge, and with the consent of the mortgagee, without reserve, a FREEHOLD ESTATE, near the town on the north side of the London-road, about half a mile from the Station on the Eastern Counties Railway, viz., a detached villa residence, two stall stable, chaise house, domestic offices, yard and garden, well supplied with water, in the occupation of Charles Potter, Esq., at a rental of £40 a-year.

Particulars may be had of Mr. PRIOR, Solicitor, Cambridge; on the Premises; of Mr. PENNELL, Official Assignee, Guildhall Chambers, Basinghall-street, London; and of Messrs. ABBOTT & WRIGGLESWORTH, 26, Bedford-row, and Eynesbury, St. Neot's, Huntingdonshire.

Extensive Sale of Fat and Store Stock, at Honeydon, Bedfordshire, near St. Neot's.

MESSRS. ABBOTT & WRIGGLESWORTH will SELL by AUCTION, on WEDNESDAY, JUNE 13, at ELEVEN, on the premises of Mr. Thomas Brightman, without reserve, THIRTY-EIGHT fat BULLOCKS, 60 fat sheep, 60 fat lambs, 65 fat hogs, 48 store beasts, 40 Leicester couples, 3 cart horses, and 2 mares and foals. Refreshment will be provided.

Catalogues may be had on the premises; of Mr. BRIGHTMAN, at Little Staughton; at the Red Lion, Bedford; White Lion, Kimbolton; George Inn, Huntingdon; Topham's printing-office, St. Neot's; and of Messrs. ABBOTT & WRIGGLESWORTH, 26, Bedford-row, and Eynesbury, St. Neot's, Huntingdonshire.

TURNHAM-GREEN, MIDDLESEX.—Convenient Private Residence.

MESSRS. ABBOTT & WRIGGLESWORTH will SELL by AUCTION, at the MART, opposite the Bank of England, on WEDNESDAY, JUNE 6, at ONE o'Clock precisely, the convenient private RESIDENCE, No. 2, Queen's-row, Turnham-green, on the north side of the main road, within a few minutes' walk of the Hammersmith Railway Station; and containing front and back parlours, drawing-room, three bed-rooms, two kitchens, wash-house, front and back gardens. This property is copyhold of the Manor of Sutton Court, fine certain, subject only to a trifling quit rent, producing £22 a-year.

Printed particulars and conditions of sale may be had of EDWARD LOWTHER, Esq., Solicitor, No. 141, Fenchurch-street, E.C.: on the premises; at the Mart; and of Messrs. ABBOTT & WRIGGLESWORTH, Land Agents & Auctioneers, 26, Bedford-row, London, and Eynesbury, St. Neot's, Huntingdonshire.

LEICESTERSHIRE AND NORTHAMPTONSHIRE.

Five Freehold Farms at Goadby, Husband Bosworth, Lubbenham, Burton Overy, and Barton Seagrave, offering most desirable Properties for Investment or Occupation.

MR. ROBINS is instructed to SELL by AUCTION, at the MART, opposite the Bank of England, on WEDNESDAY, JUNE 27, at TWELVE for ONE, in Five Lots,

A MANORIAL ESTATE, at Goadby,

eight miles from Market Harborough, and two miles from the post town of Tugby, in Leicestershire, comprising

A First-rate GRAZING FARM of 264 acres,

beautifully undulated, a small portion arable, with excellent residence and farm buildings, in the occupation of Mr. Joseph Shilcock, on lease for three years; also, adjoining Lands of 14 acres, and Cottages in the village of Goadby. This estate is bounded by the properties of Lord Berners, the Earl of Cardigan, and Sir Arthur Gray Haslerigg, Bart.,

A Productive FREEHOLD FARM of 78 acres,

rich soil and tithe free, with comfortable Homestead and Farm Buildings, at Husband Bosworth, two miles from Welford, and six miles and a half from Market Harborough and Lutterworth, adjoining the estates of George Turville, Esq., and John Cook, Esq., in the occupation of Messrs. Freeman.

A small FREEHOLD FARM of 25 acres,

tithe free and land-tax redeemed, with Farm Buildings, at Lubbenham, three miles from Market Harborough, in the occupation of Messrs. Hopkins.

An excellent FREEHOLD DAIRY FARM of 76 acres,

tithe free, adjoining the village of Burton Overy, two miles from the stations at Glen and Kibworth, and eight miles from Leicester, with homestead, garden, orchard, cottage, and farm buildings, in the occupation of Mr. James Heap.

And at Barton Seagrave, in Northamptonshire, two miles from the town of Kettering and railway station,

An attractive FREEHOLD PLEASURE FARM of 105 acres,

of superior Grass and Arable Land, land tax redeemed, bounded by the estates of the Duke of Buccleuch and Lady Hood, with homestead and farm buildings, and beautiful home close of three acres, with ornamental elms, offering a tempting opportunity for building. This farm has been many years in the occupation of Mr. Christopher Gawthropp.

The RENTALS amount to £1,034 a year,

from tenants of long standing, and most punctual, and the rents are capable of great improvement.

Full particulars, with plans of these desirable properties, may be had at the Three Swans, Market Harborough; the Three Crowns, Leicester; the Bell, Husband Bosworth; and Royal Hotel, Kettering. Also of P. PAIN, Esq., at Boughton House, Kettering; of Messrs. CAMERON & BOOTY, Solicitors, Raymond-buildings, Gray's-inn; of W. B. TARRANT, Esq., Solicitor, 2, Bond-court, Walbrook; at the Auction Mart; and at Mr. Robins's New Offices, 5, Waterloo-place, Pall-mall.

MAYFIELD, SUSSEX.

A compact and valuable Freehold Farm, most eligibly situate in the parish of Mayfield, in the beautiful vicinity of Tunbridge Wells, comprising about 208 acres of arable, pasture, meadow, hop, and wood land, free of great tithes, and land tax redeemed, offering an eligible opportunity for investment, or for occupation if desired.

MR. MARSH has received instructions to SELL by AUCTION, at the MART, on WEDNESDAY, JUNE 6, at ONE punctually, in One Lot, a valuable FREEHOLD ESTATE, distinguished as Pennybridge Farm, situate in the parish of Mayfield, within eight miles of Tunbridge Wells, and five miles from the Wadhurst station on the Tunbridge Wells and Hastings Railway. It consists of a convenient farmhouse, with all requisite agricultural buildings, in a good state of repair, and about 208 acres of land, of which about eight acres are hop garden, 25 acres woodland, affording abundant cover for game, and the remainder arable and pasture. In the occupation of Mr. James Stevenson (who and whose father have in succession occupied the property for the last fifty years) at a present rental of £140 per annum. This rental, however, is considered inadequate, and was only fixed at its present amount in consequence of the property having been recently let from year to year only in order to meet the possibility of a purchaser requiring immediate possession. The rent is estimated on behalf of the vendors at £160. Mr. Stevenson's tenancy expires at Michaelmas next, when possession may be obtained if desired, or Mr. Stevenson is willing to take a lease for fourteen years if terms can be arranged with the purchaser.

The property may be viewed on application to the tenant, who will show the estate, of whom particulars and conditions of sale, with plans, may be obtained; also of H. G. BEYDONE, Esq., Petworth; of T. D. CALTHROP, Esq., Solicitor, 8, Whitehall-place, London, S.W.; at the Sussex and Kentish Hotels, Tunbridge Wells; at the Hotels at Lewes and Hastings; at the Mart; and at Mr. MARSH'S Offices, 2, Charlotte-row, Mansion-house, London.

NORFOLK.

By order of Executors. Undeniable Investment. A Rent-charge of £26 9s. 4d. per annum, arising under the Copyhold Acts, and secured on a valuable property in the above county.

MESSRS. DEBENHAM & TEWSON have received instructions to SELL, at the MART, on MONDAY, the 18th day of JUNE, at TWELVE o'Clock (unless previously disposed of by private contract), an ANNUAL RENT-CHARGE of £26 9s. 4d., payable half-yearly, secured upon divers messuages and upwards of fifty-five acres of rich land, situate in the parish of Great Plumstead, in the county of Norfolk, the annual value of which is at least five times in excess of the said rent-charge. In point of security nothing, therefore, can be more eligible.

Particulars may be obtained of Messrs. RUDDEN, 68, Wimpole-street, Cavendish-square; and at the Auctioneers' Offices, 8, Cheapside.

LAW STUDENTS' DEBATING SOCIETY,
AT THE LAW INSTITUTION, CHANCERY LANE.

QUESTIONS FOR DISCUSSION.

For Tuesday, June 5th, 1860. President—Mr. MILLER.

The SECRETARY will move—"That the Annual Dinner of the Society do take place in the month of July next. That a Committee of four members be appointed to make the necessary arrangemants, and that such Committee be empowered to draw on the Society's funds for any sum not exceeding £25 towards the expense of the dinner."

Mr. WALTERS will move—"The adoption of rules providing for the appointment of a Chairman and Deputy-Chairman of private business, to be then and there elected."

252. Can a Mortgagee recover under his security advances made by him after an Act of Bankruptcy of which he had no notice?

Affirmative—Mr. WALTERS and Mr. HEWLETT.

Negative—Mr. SMITH and Mr. HOYLE.

For Tuesday, June 12th, 1860. President—Mr. PLASKITT.

254. Is a Lessee liable on a covenant to repair where he has executed and entered under a lease not executed by the lessor? Pitman *v.* Woodburn, 3 Exchequer 4, Couch *v.* Goodman, 2 Q. B. 580.

Affirmative—Mr. PRICHARD and Mr. TREDGOLD.

Negative—Mr. WINCKWORTH and Mr. SWAN.

For Tuesday, June 19th, 1860. President—Mr. MARCHANT.

LXXXVIII. Was the conduct of the House of Lords in rejecting the measure for the repeal of the Paper Duty expedient?

Mr. PLASKITT is appointed to open the debate, and Messrs. KIMBER, LAKE, and BEAL, to speak on the question.

For Tuesday, June 26th, 1860. President—Mr. WINCKWORTH.

255. Can a Deed of Arrangement, under Sec. 224 of Bankrupt Act, 1849, be pleaded in bar to an action at law by a non-executing creditor, such deed containing a provision that the debtor shall be discharged at law and in equity from the claim of any creditor party to or bound by the deed, suing in breach of a covenant not to sue? Gibbons *v.* Vouillon, 8 C. B. 483, Macnaught *v.* Russell, 1 Hurlst. and N. 611. Irving *v.* Gray, 3 H. and N. 90. Legg *v.* Cheesbrough, 5 C. B. N. S. 750.

Affirmative—Mr. MILLER and Mr. RUSSELL.

Negative—Mr. LAWRANCE and Mr. RIDDLE.

For Tuesday, July 3rd, 1860. President—Mr. MATTHEWS.

ANNUAL MEETING.

The Report of the Committee will be read.

The Treasurer will lay before the meeting a statement of the receipts and payments of the Society during the year, and a list of unpaid fines and subscriptions.

The Officers of the Society for the ensuing year will be elected.

The Society will then adjourn till after the Long Vacation.

J. BRADFORD, LL.B., *Secretary*,
20, Bedford Row, W.C.

THE STANDARD LIFE ASSURANCE COMPANY.

SPECIAL NOTICE.

BONUS YEAR.—SIXTH DIVISION OF PROFITS.

All policies now effected will participate in the division to be made as at 15th November next.

The Standard was established in 1825.

The first division of profits took place in 1835; and subsequent divisions have been made in 1840, 1845, 1850, and 1855.

The profits to be divided in 1860 will be those which have arisen since 1855.

Accumulated fund	£1,684,598 2 10
Annual revenue	289,231 13 5

Annual average of new assurances effected during the last ten years upwards of half a million sterling.

WILL. THOS. THOMSON, Manager.
H. JONES WILLIAMS, Resident Secretary.

The Company's Medical Officer attends at the office daily, at half-past one.

LONDON—82, King William-street, E.C.
EDINBURGH—3, George-street (Head Office).
DUBLIN—66, Upper Sackville-street.

We cannot notice any communication unless accompanied by the name and address of the writer.

**** Any error or delay occurring in the transmission of this Journal should be immediately communicated to the Publisher.*

THE SOLICITORS' JOURNAL.

LONDON, JUNE 9, 1860.

CURRENT TOPICS.

A select committee was appointed a short time since by the House of Commons, to consider the provisions contained in the Court of Chancery Bill; and although at the time when such committee was named, considerable progress had been made with the measure, since then nothing more has been heard of it. The committee consisted of the Attorney-General, Mr. Henley, the Solicitor-General, Mr. Malins, Mr. Walpole, Sir Hugh Cairns, Sir James Graham, and Mr. Knight. We believe that it met only once, and came to a conclusion upon the main features of the Bill without either hearing evidence, or thinking it necessary to make any report to Parliament upon the subject; and we have heard that the result of its deliberations was simply to pass a resolution requesting the Attorney-General to confer with the Lord Chancellor upon the Bill with a view to its entire withdrawal. It is said that the committee were altogether opposed to the increase of the number of chief clerks of the Chancery judges, and therefore refused its assent to the clause providing for the appointment of a third chief clerk at the Rolls, and also to the clauses assigning to the chief clerks certain duties relating to the visitation of Chancery prisoners, which were formerly discharged by Masters in Chancery.

Of all the other measures at present before Parliament such as are peculiarly interesting to the profession, those which are likely to become law are comparatively few. Lord St. Leonards' Law of Property Bill may be considered safe; and Lord Cranworth's Bill for the Further Relief of Trustees, Mortgagees, &c., will also probably be passed into law. In addition to these measures affecting the profession, the Attorneys and Solicitors Bill, and the Criminal Law Consolidation Bills only are likely to become part of the Statute Book during the present session. The Attorney-General's Bankruptcy Bill, notwithstanding a general feeling in its favour, has yet made but little way; while the Land Transfer Bill, which has been so often upon the notice paper of the House of Commons, has not yet been introduced, nor is it likely to be until Parliament meets again. Two or three measures affecting the law of Scotland, but interesting to the English practitioners, are quietly progressing through Parliament. One of them is the subject of an article in our present number, and also of a contribution from a gentleman who is a member of both the English and Scottish bars.

The Chancery Evidence Commissioners have not yet made their report, although we believe that it has been agreed to. It may be looked for in the coming week.

We believe that the Commission appointed to inquire into the project of the concentration of the Superior Courts has taken a large amount of evidence bearing upon the question, and that its report may shortly be looked for.

CONFLICT OF THE LAW OF DIVORCE IN ENGLAND AND SCOTLAND.

A Bill entitled "Husband and Wife Relation (Scotland) Amendment Act, 1860," was read a first time on the 2nd of April, but was only a few days ago printed and circulated. It contains two clauses directly affecting England, and to these we beg to direct the attention of our readers. They are as follows:—

Sect. 17. It shall not be competent to raise and prosecute an action of divorce unless, first, the defender has his or her domicile in Scotland; or secondly, the action being one for divorce on the ground of adultery, the adultery was committed in Scotland, and the defender has been personally cited in Scotland; or thirdly, the action being one for divorce, on the ground of desertion, the defender has deserted the pursuer at a time when the pursuer had a domicile in Scotland, the pursuer continuing to retain such domicile when the action is raised; and the domicile here referred to shall be held to be the domicile according to the law of which the succession to moveable estate would be regulated in case of intestacy.

Sect. 18. A decree of divorce pronounced by the Court of Session in terms of this Act shall be recognized and given effect to as a valid decree, dissolving the marriage to all intents and purposes whatever, in all parts of her Majesty's dominions, notwithstanding that the marriage thereby dissolved may not have been celebrated in Scotland.

It is impossible to deny that the law on the subject embraced in these clauses requires alteration. As it stands at present, it seems certain that the courts in Scotland have the right, so far as Scotland is concerned, of dissolving marriages, on the ground of adultery, in the following circumstances:—

1st. If the husband is a domiciled Scotchman.
2nd. If the adultery took place in Scotland, and the husband is in Scotland at the date of the suit.
3rd. If the marriage took place in Scotland, and the husband is in Scotland at the date of the suit.

In each of these cases the circumstances stated are held by the Scottish courts to give them jurisdiction, although every other circumstance may be adverse to the claim. Thus, in the first two cases, the marriage may have been celebrated in England or elsewhere; in the first and third, the adultery may have taken place out of Scotland: in the first, the husband, and in all the wife, although the party cited, may be out of Scotland at the date of the suit; in the second and third, the parties' proper domicile may be in England or elsewhere. But the English courts have recognised the jurisdiction thus asserted, only in the case where the husband's domicile, and the marriage, are both Scottish. There is no express decision, indeed, against the validity of a divorce in Scotland of Scottish persons who had been actually married in England; but the case came before the House of Lords in *Warrender* v. *Warrender* (2 Cl. & Fin. 488), and while their Lordships had no difficulty in supporting the validity of the divorce as regards Scotland, they carefully abstained from expressing an opinion as to its effect in England. As to the third point, there is no doubt of the view of the English courts. The question came before them last year in *Tollemache* v. *Tollemache*, and the Court of Divorce granted a fresh divorce eighteen years after one had been had in Scotland. In the case of the dissolution of a marriage celebrated in England between English persons who have only resorted to Scotland for a short time before the institution of the suit, the English courts, since the date of *Lolley's case* (Russ. & Ry. 237), have held the divorce to be absolutely void; and *Robins* v. *Dolphin*, in the House of Lords last session, decided that this rule is still intact.

The Bill before us proposes to remedy this state of things. It first limits the jurisdiction of the courts in Scotland, removing from them power to grant divorce when the circumstances are only such as are mentioned in the third class of cases mentioned above. It then declares that in the cases in which their jurisdiction is preserved, their decrees shall be judicially recognised in England The cases to which, as regards adultery, the jurisdiction in Scotland is to be confined for the future, are, therefore, 1st, where the husband (the word used is the defender, but of course during marriage the wife can scarcely ever have a different domicile from her husband), is domiciled in Scotland; and, 2ndly, where the adultery was committed in Scotland, and the defendant

has been personally cited there, which implies a residence of at least forty days before citation. As to the first of these cases there can be no dispute. The domicile of the parties is the circumstance which gives the most unimpeachable jurisdiction in all questions of *status*. And it is no more than reasonable, that as the English court dissolves a marriage between English parties without reference to the place of its celebration, it should acknowledge the exercise of the same right by the Scottish courts. The old doctrine of the indissolubility of an English marriage is abolished by the Legislature, and even before this took place there were cases and dicta which indicated that mere local celebration was coming to be regarded as an unimportant element in determining whether a marriage was English or Scottish. In declaring such a circumstance to be of no weight for the future, the Bill before us gives effect to a rule of justice in opposition to one of mere technicality, whose force already had been greatly shaken.

The second class of cases which the Bill leaves under the jurisdiction of Scotland may be more open to question: for in them a Court is authorised to decide, although it is not the Court of the domicile of the parties. Yet an objection on this ground seems to us somewhat strained in the case before us. It is clearly good policy to disregard as much as possible the legal fact that England and Scotland are different countries. From the fact itself, and its consequences we cannot wholly escape, since in many respects the laws are different. But where the laws are the same, or nearly the same, justice will often be best served by permitting the Court of that country to decide, in which the facts can be most readily ascertained and most cheaply proved. If, therefore, the law and procedure of England and Scotland were in this matter of divorce identical, it would be sound policy to allow the action to be brought where the offence was committed; and if not precisely identical, the question for our consideration will be, whether the discrepancy is so material as to compel us to regard the two countries as being in the position of foreign to each other.

So far as concerns divorce at the instance of the husband, there is no difference in principle between England and Scotland. As regards divorce at the instance of the wife, there is this distinction: that while in Scotland it may be had as fully as at the instance of the husband, in England it can be had only when the adultery has been coupled with cruelty, desertion, bigamy, or other aggravating circumstances. Does this difference, then, constitute such a discrepancy as should prevent us from allowing the *locus delicti* to confer jurisdiction? We think not. It is within the experience of every one that an act of adultery on the part of a husband, unattended with further aggravation, is not looked upon, either by society in general or by women themselves, as a sufficient ground for breaking the marriage tie. It does not in itself commonly result in even a separation. The power, therefore, which the law of Scotland gives to a wife of obtaining divorce on such a ground, is a power which practically is unexercised, except in cases where such aggravations occur as would bestow the same power in this country. If this be true as regards the marriages of those domiciled in Scotland, it applies with much greater force to the case of marriages of persons domiciled elsewhere, and resident in Scotland only for a short time. There are, on an average, about twenty suits for divorce in Scotland annually; and of these, the proportion instituted by women is about seven or eight. Let it be remembered that these include divorces on the ground of desertion, as well as on the ground of adultery; and it will be seen at once how exceedingly rare must be the cases in which the parties are not Scottish, and the woman sues for divorce on the ground of adultery, unattended, in point of fact, with those circumstances which would warrant her suit in England. As we cannot expect our neighbours to restrict the wife's right to sue to the cases which warrant it here, nor to compel a wife to prove additional circumstances beyond what their law makes sufficient, ought we to refuse to acknowledge the validity of the decree made in the country where the offence took place, because in an exceptional instance, not occurring once in half a dozen years, it goes beyond what would have been granted here?

Two cases before the Court of Divorce during the last week strikingly illustrate the inconvenience caused by a strict regard to the rule that jurisdiction rests on domicile. In both cases the marriage was in England, and the wife was English. In the one, the husband was also English, but after the marriage he went alone to America and there committed bigamy. In the other, he was by origin an Irishman, and after residing for some years with his wife in England, and being guilty there of the cruelty which supported her claim, he went back to Ireland, recovered his Irish domicile, and was said to have committed adultery in Ireland. In both cases the Court, although the formal decision has been deferred, seemed to consider its jurisdiction ousted. Supposing this to be the fact, how hard becomes the case of the wife! By the very wrong done to her, by the desertion which was the commencement of the injury, the husband has put it out of her power to obtain redress in the country in which the marriage was contracted, and according to the laws of which both parties believed their rights to be regulated. These cases, indeed, would not precisely have been met by the English courts assuming the jurisdiction which the Scottish courts hold, of judging in respect of the crime having been committed within the limits of the jurisdiction. But the hardship would have been heightened if that additional circumstance had taken place, and the change of domicile had still prevented all redress. Now, these are exactly the circumstances in which the new Scottish jurisdiction will prove beneficial. It will, in almost every instance, be resorted to only where the wife is Scottish, and her friends are in Scotland. It seems fair enough, that, when the crime has also been committed in Scotland, she should be allowed to prove the fact, and obtain the remedy, in that country rather than here, and that she should not be deprived of all redress by the circumstance of her husband taking up his residence abroad.

The main danger of course is collusion. On this question, supposing the courts in either country to possess machinery of equal value for detection, there is obviously an advantage in carrying on the investigation as nearly as can be in the place where the facts are alleged to have happened. The circumstances will there be best known, and witnesses most ready to come forward. We believe that the Scottish courts are at present vigilant to detect collusion, and they have one method, not without importance, which we here do not equally enjoy. This is the "oath of calumny," which is put to the plaintiff at the commencement of the suit, and in which he swears to belief in the truth of the allegations made, and that no collusion exists. We observe that the Bill before us provides an additional safeguard, adopted from the proposition now before Parliament, for authorising the Court to make the Attorney-General a party. It is proposed that the Court in Scotland shall in like manner have the power of making the Lord Advocate a party.

Of divorce on the ground of desertion, which may be had in Scotland after a lapse of four years, we need not speak, as the Bill restricts the right to sue to the case where the plaintiff was at the commencement of the desertion, and still is at the date of the suit, domiciled in Scotland. The clause is indeed expressed rather obscurely, but it can hardly on any reading apply to parties domiciled in England. On the whole, we regard the measure as one urgently needed to remove a great scandal in the general law of the country on the subject of husband and wife, and we trust it will be accepted as in the main a fair compromise between the courts of

the two parts of the kingdom. We are indeed disposed to think that the Bill might with advantage have been made to some extent retrospective. There are many now living who have been divorced in Scotland under circumstances which will make a future divorce valid in this country. There seems no sufficient reason why such persons should be left to lie under the evils of a divorce in Scotland unrecognised here. It would not, we think, be difficult to give them some means of bringing before the English Court the facts on which the decree of divorce was founded; and if these would now make it effectual, they might justly be allowed to make it effectual from its date.

The Courts, Appointments, Promotions, Vacancies, &c.

QUEEN'S BENCH.

June 6.—*Business of the Court.*—Lord Chief Justice COCKBURN gave notice that the two cases, *The Queen* v. *The Inhabitants of Putney*, and *The Queen* v. *The Sadlers' Company* (both of which were part heard) would be taken on Saturday.

Sittings in Banco in the Bail Court.—Lord Chief Justice COCKBURN said, the Court had made out a list of rules which could very well be taken before a single judge, and these would be heard in the Bail Court on the last two days of term, instead of in the full Court.

The list contains about twenty rules, which will accordingly be taken on Monday the 11th, and Tuesday the 12th inst.

Sittings in Banco after Term.—A notice has also been issued that the Court will hold sittings in Banco after Term, on Thursday, June 14; Friday, June 15; Saturday, June 16; Thursday, June 21; Friday, June 22; and Saturday, June 23; and will then proceed to dispose of the country cases then pending in the New Trial Paper, and of the cases in the Special and Crown Papers.

The Court will also hold a sitting on Saturday, July 7, for the purpose only of giving judgment in cases previously argued.

INSOLVENT DEBTORS COURT.

(Before the CHIEF COMMISSIONER.)

June 6.—*In re William Robert Hare.*—This insolvent, known as "Captain Hare," came up for further hearing, under the Protection Act.

Mr. *Robertson Griffiths*, on the part of the insolvent, applied for an adjournment for twelve months, and stated that hopes were entertained that the insolvent would be enabled to arrange with his creditors without taking the benefit of the Act.

Mr. *Lewis*, of the firm of Lewis & Lewis, opposed for a debt for preparing the insolvent's schedule before he engaged his present attorneys, Messrs. Clarke & Carter.

Mr. Longcluse, a friend of the family, was called to prove that Mrs. Hare, the insolvent's mother, had instructed Mr. Buller, her attorney, of Lincoln's-inn-fields, to advance money to pay the insolvent's debts, but he had not advanced the money, and by his failure Mrs. Hare and her family were considerable losers.

The CHIEF COMMISSIONER intimated that he was ready to give the final order, but if an adjournment was preferred he saw no objection to granting such an application.

Mr. *R. Griffiths* said, he hoped the friends of the insolvent would procure him an appointment.

Mr. *Lewis* remarked that the rule now was not to give an appointment to a person who had taken the benefit of the Act.

The learned COMMISSIONER went into the complaint of Mr. Lewis, and considered his debt ought to be paid. It showed a great want of wisdom in the insolvent employing another attorney. That was the only debt in which there was any ground of opposition, and it ought to be settled. He had no objection to an adjournment of twelve months.

The case was accordingly adjourned, and the protection renewed.

The Queen has been pleased to appoint Charles Farquhar Shand, Esq., to be Chief Judge of the Supreme Court of the island of Mauritius.

Her Majesty has also been pleased to appoint Elisée Nolin, Esq., to be Crown Solicitor for the island of Mauritius.

Mr. Edward Maule, Solicitor, Huntingdon, has been appointed by the Earl of Sandwich clerk of the peace for the county of Huntingdon, in the room of Mr. B. A. Greene, deceased.

The following notice has been put up in the Register Office for certificates of the acknowledgments of married women:—"Office copies will be ready in a week after the filing of the certificate."

Parliament and Legislation.

HOUSE OF LORDS.

Monday, June 4.

TRUSTEES, MORTGAGEES, &C.

This Bill, upon recommitment, passed through committee.

ECCLESIASTICAL COURTS JURISDICTION.

This Bill was reported with amendments.

Tuesday, June 5.

PREVENTION OF CRUELTY TO ANIMALS.

Marquis TOWNSHEND moved the second reading of this Bill.

The LORD CHANCELLOR did not object to the second reading of the Bill, but he thought it required careful consideration and a better definition of the offences with which it proposed to deal. Of its main provisions he approved, and he should be happy to give any assistance in his power to improve the measure. It could not pass, however, in its present shape, and he hoped the noble marquis would consent to refer it to a select committee.

The Bill was then read a second time.

Thursday, June 7.

ENDOWED CHARITIES.

The LORD CHANCELLOR brought in a Bill for the better regulation of endowed charities. Its object was to enlarge the powers of the Charity Commissioners, and to enable them to carry out amended schemes without application to the Court of Chancery.

The Bill was read a first time.

COURT OF PROBATE AND DIVORCE.

Lord BROUGHAM moved for returns connected with the Divorce Court, and observed that, in his opinion, the Court was in a most unsatisfactory state. In saying so, he had not the slightest intention to cast any reflection on the distinguished judge who sat in that court; but he thought the court ought to be constituted on a different scale, and with a more enlarged basis. In other courts cases occasionally arose that were painful to the feelings of all the parties concerned; but in this court every case, so far as regarded divorce, had a painful interest, inasmuch as it involved either the separation of married persons or the dissolution of the marriage tie, and, in addition, the disposal of important questions affecting property. In his opinion, the court ought to consist of three judges—a chief judge, a common law or equity judge, and a judge of the Consistorial Court. Those three judges would form a competent tribunal to try all the important cases of separation, of dissolution of marriage, and of property that could come before them. There would be no increase of expenditure by an improvement of the court, except in the most important branch—the judges. To meet that additional expense there was a surplus of £12,000 or £13,000 a-year arising from the fees of the Probate Court; but, even if there were no such surplus, financial considerations ought not to stand in the way.

The LORD CHANCELLOR agreed with his noble and learned friend that improvements were required; but thought the other House had done wisely in proceeding cautiously with the first formation of the court.

TRUSTEES, MORTGAGEES, &C.

This Bill was read a third time and passed.

SIR J. BARNARD'S ACT, &C., REPEAL.

Earl GRANVILLE, in moving the second reading of this Bill, said the Act which it proposed to repeal had been found to be

inoperative for the purposes for which it was passed, and when it did act it had an injurious effect.

This Bill was read a second time.

HOUSE OF COMMONS.

Tuesday, June 5.

CLERK TO THE PRIVY COUNCIL.

In reply to Mr. GRIFFITH,

Lord PALMERSTON stated that Mr. Bathurst having resigned the office of Clerk to the Privy Council, Mr. Helps had been appointed to succeed him. The office was remodelled some time ago on the retirement of Mr. Greville, and the salary of the remaining clerk was then fixed at £1,200 a-year, at which rate it was intended to continue it. There would, however, be a saving of £500 when the office of Clerk of Returns fell vacant, as the duties attached to it would be transferred to the Clerk of Council without increase of salary.

TRIALS FOR FELONY.

Mr. DENMAN asked for leave to bring in a Bill to amend the proceedings on trials for felony and misdemeanour. The Bill consisted only of one clause, the object of which was to assimilate the practice with regard to the speeches of counsel in criminal to that allowed in civil cases. The only objection which could be urged against the Bill was, that it would perhaps tend to make trials a little longer, but he did not think that would be its effect. He therefore hoped there would be no objection to his motion for leave to introduce the Bill.

Mr. EWART seconded the motion.

The ATTORNEY-GENERAL having thanked his hon. and learned friend (Mr. Denman) for the attention which he had paid to a subject of so much importance as that with which the Bill proposed to deal, observed that the question was at the same time one of considerable difficulty, and, without pledging himself to any decided opinion with regard to it, expressed a hope the House would accede to the motion.

Leave was then given to introduce the Bill.

PROSECUTIONS FOR BRIBERY AT WAKEFIELD.

Captain JERVIS rose to move a resolution to the effect, that whereas by the Act 17 & 18 Vict., c. 102, s. 14, it is expressly enacted that no person should be liable to be prosecuted for any offence committed against the said Act unless such prosecution shall commence within one year from the date of the said offence, this House is of opinion, with reference to certain prosecutions commenced at common law against divers persons at Wakefield, for offences committed at the late general election against that Act, but which prosecutions have not been commenced within the time prescribed by that Act, that such prosecutions should be abandoned. In bringing forward his motion he was, he said, solely actuated by a desire to direct the attention of hon. members to a subject which was, in his opinion, well worthy of their consideration, and he was, he might add, neither directly nor indirectly connected with any person in the borough to which the motion related. The hon. and gallant gentleman was referring to the facts of the Wakefield case, when an hon. member noticed that there were not forty members in the House.

The SPEAKER counted, and, as there were only twenty-nine members present, the House adjourned.

Wednesday, June 6.

MASTERS AND OPERATIVES.

This Bill, on the motion of Mr. MACKINNON, went through committee.

NEW WRIT.

On the motion of Sir W. JOLLIFFE a new writ was ordered to issue for the election of a member to serve in the present Parliament for Belfast, in the room of Richard Davison, Esq., who had accepted the Chiltern Hundreds.

Thursday, June 7.

PROSECUTIONS FOR BRIBERY AT WAKEFIELD.

Captain JERVIS again moved the resolution that he had brought before the House on Tuesday last, but the consideration of which was postponed by reason of the House being counted out.

Lord PALMERSTON said it was impossible at that late hour of the evening to proceed with the discussion of the resolution, which involved considerations of great importance. He should therefore move the adjournment of the debate.

After a few words from Mr. M. MILNES and one or two other hon. members,

The ATTORNEY-GENERAL said the House of Commons was called upon by the resolution to perform functions which did not belong to it—namely, to intertere with the administration of justice. He might add that he did not think it would be satisfactory to the country that a decision on the question should be taken in so thin a House—[An HON. MEMBER.—There are 100 members present]—there being very few present but those who were there for the particular purpose of supporting the motion. He could only say that, whatever the decision of the House under such circumstances might be, the prosecutions should be proceeded with under the statute, notwithstanding that he should bow to that decision when duly recorded.

Mr. MALINS expressed a hope that his hon. and gallant friend would, after the statement of the Attorney-General, postpone his motion to a more fitting opportunity.

Mr. WHITESIDE could not understand what use there would be in proceeding with the motion at all, if the right hon. gentleman the Attorney-General, upon whose immovable nature it was not easy to produce an impression, might set the decision of the House at defiance.

Captain JERVIS would not object to the adjournment of the debate if the Attorney-General would pledge himself to stay proceedings in the meantime.

The ATTORNEY-GENERAL.—I will not stay proceedings for a single moment.

After some further conversation, the galleries were cleared for a division, but none took place, and the debate was adjourned to Friday evening.

NOTICES OF MOTION.

HOUSE OF LORDS.

Tuesday, June 12.

PETITIONS OF RIGHT (AMENDMENTS).

Third reading appointed.

HOUSE OF COMMONS.

Wednesday, June 20.

CORONER'S BILL (Sir GEORGE LEWIS).

CORONER'S BILL (Mr. COBBETT).

Second reading of these Bills.

Thursday, June 21.

BANKRUPTCY AND INSOLVENCY.

Report thereupon deferred till this day (Salaries, &c).

BANKRUPTCY AND INSOLVENCY.

Committee to meet.

COMPANIES.

Committee to meet.

Recent Decisions.

[*Equity, by* J. NAPIER HIGGINS, Esq., *Barrister-at-Law; Criminal Law, by* JAMES STEPHEN, Esq., *Barrister-at-Law.*]

EQUITY.

BILLS OF REVIEW—ECCLESIASTICAL LEASES.

Green v. *Jenkins*, 8 W. R., L. C., 380.

This is an important decision laying down the principles by which courts of equity are governed, in allowing bills of review. The case came before the full court upon demurrer to a bill of review, which sought to reverse a decree made by Sir John Romilly, Master of the Rolls, in a suit for the specific performance of an agreement for a lease of glebe lands. The error assigned by the bill of review being that a lease of glebe lands could not be granted otherwise than according to the statute 5 Vict. c. 27; and the agreement being repugnant thereto, it could not be specifically performed, and, therefore, that the decree ought to be reversed. The Court allowed the demurrer, upon the ground that the errors assigned were not such as could properly be made a ground for a bill of review. In the case of *Trulock* v. *Roby*, reported 2 Ph. 395, Lord Cottenham held that such bills were to be confined to cases in which the decree was contrary to the forms and practices of the Court. The correctness of this proposition, however, was

doubted by Lord Justice Turner in the present case, and his lordship appears to be correct in stating that there are other cases in which Courts of Equity have allowed bills of review; and the authorities referred to by the learned judge in Vin. Abr., bear out that view. Their lordships, therefore, held that a bill may be maintained where the decree sought to be reversed is "contrary to some statutory enactment, or some principle or rule of law or equity recognised and settled by decision," as well as in those cases referred to by Lord Cottenham in the suit above referred to. The plaintiff, however, is confined to the error that he has specifically assigned. The Court decided also that a mere error in judgment was no ground for such a bill; in the present case the bill was held to be bad, as the error alleged upon the face of it was stated to amount to no more than an "*erroneous construction*" of the statute 5 Vict., c. 27. This part of the decision does not seem to us quite consistent with the principle laid down by Lord Justice Turner, that bills of review are allowable where the decision is repugnant to a statutory enactment, as, without construing the statute, it cannot be ascertained how far it has been contravened. His lordship refused, in *Green* v. *Jenkins*, to give any opinion upon the construction of the statute in question, although the Lord-Chancellor expressed an opinion that the Act of 5 Vict., c. 27, did not repeal the former statutes, enabling incumbents to grant leases of glebe land, and therefore that the agreement which was not at variance with the earlier statutes might be enforced. The Lord Justice Knight Bruce did not concur in the judgment of the rest of the Court. We conceive that independently of what the result of the construction of the statutes might have been, there was such error assigned as should have induced the Court to have allowed the bill to proceed for the purpose of having a decision upon the question, whether the statute had been contravened, or at all events for the full Court to have expressed an opinion upon the effect of the statute.

CRIMINAL LAW.

EVIDENCE—DYING DECLARATIONS, RULE AS TO ADMISSIBILITY OF.

Reg. v. *Hind*, 8 W. R. (C. C. R.), 421.

In this case the judges sitting to decide points of criminal law reserved for their consideration, confirm an important rule already laid down in the books with respect to "dying declarations." This is, "that such declarations are only admissible where the death of the deceased is the subject of the charge, and where the circumstances of the death are the subject of the dying declaration." The rule in these terms was propounded in, and now expressly adopted from, the judgment of Lord Tenterden in *Mead's case* (2 B. & C. 608). In that case the facts were shortly these:—Mead had sworn in the course of the proceedings on a revenue prosecution, that one Law had been engaged in a certain smuggling transaction. Law having been acquitted, was afterwards shot by Mead; and, dying, negatived in his deposition the facts sworn to by Mead in giving his evidence. On this Mead was indicted for perjury; but the Court of Queen's Bench refused to receive Law's deposition, on the general principle above referred to. At the same time the Court recognised the existence of an exception to the rule, viz. where the party dying criminated himself. In that contingency, the deposition, they said, was admissible, even though it did not relate to the cause of death.

The same point was ruled in *Rex* v *Hutchinson*, tried before Bayley, J., at the Durham Spring assizes, 1822; and here the facts closely resembled those of the present case. In both, the prisoner was indicted for having endeavoured to procure the abortion of a pregnant woman, who died in consequence of the attempt; and in both, her dying declaration upon the subject was rejected, as falling within the second branch of the above rule, viz. that the enquiry in which it was tenderedas evidence, did not relate to the woman's death, but as to whether the prisoner had committed the offence of endeavouring to procure abortion, with which he was charged in the indictment.

It may be observed, that in "Russell on Crimes" (vol. ii., p: 762), another exception to the general rule is noticed, viz. that where A. and B. die from the same act of C., the dying declaration of B. is admissible on the trial of C. for murdering A., though the enquiry relates only to the death of A.; and would, therefore, by the terms of the rule, seem to be inadmissible. This was the case of *R.* v. *Baker* (2 M. & Rob. 53), which was an indictment for poisoning one K. The poison had been administered in a cake, of which K.'s servant (by whom the cake was made) also eat and died. Her dying declaration as to the manner and time in which she had made the cake, and how she had put nothing hurtful in it, were admitted at the trial of Baker, who was afterwards suspected of being the poisoner. In reference to this case, Mr. Taylor, in his "Treatise upon Evidence" (vol. i., p. 567), observes, that "upon one occasion the judges appear to have entrenched somewhat on the rule;" and adds, that in this instance the dying declaration was admitted, "apparently on the ground that it was all one transaction;" but that the point would have been reserved for the opinion of the judges, had the prisoner been convicted.

CONSPIRACY TO CHEAT—ANIMUS OF THE PROSECUTOR NOT MATERIAL.

Reg. v. *Hudson and others*, 8 W. R., C. C. R. 421.

The noticeable point in this case is, that if A. and B. be indicted for conspiring to cheat C., and sufficient evidence to support that charge be given, it will be no answer for them to show that C. also intended to cheat one of them. The prisoners and the prosecutor were all drinking together, and in the temporary absence of one of the prisoners, the others took from a pen-case on the table, the only pen which appeared to be within it, and then persuaded the prosecutor to bet with the other prisoner, on his return to the room, that there was no pen in the case. The prosecutor did so, believing he had seen the only pen removed; but on examination, the case (which was one prepared for the purpose of such tricks), was found to contain another pen; upon which the prisoners insisted upon having the money staked paid over to them. There does not appear to be any previous decision upon this precise point. The nearest in principle, perhaps, is that of *Rex* v. *Ady* (7 C. & P. 140), which shows that the offence of cheating may be complete without reference to the conduct of the prosecutor. There the prisoner had obtained money from the prosecutor, by giving him pretended information of something to his advantage, which the prisoner knew at the time to be worthless. And the defence was, that the prosecutor had conspired with another person to entrap the defendant into the commission of the offence. But Patteson, J., said, that if the defendant did in fact obtain the money by false pretences, and knew them to be false at the time, it did not signify whether the prosecutor intended to entrap him or not. On a somewhat similar ground, the Court said in the present case, "The indictment is for a conspiracy to cheat; and the circumstance of the prosecutor having intended to cheat one of the prisoners, does not prevent them from being amenable upon this indictment."

EVIDENCE—HUSBAND AND WIFE.

Reg. v. *Halliday*, 8 W. R. (C. C. R.), 423.

Even under the present relaxed system of evidence, a wife cannot in any criminal proceeding (except in certain cases of violence, and then *ex necessitate rei*), give evidence either for or against her husband, nor can a husband give evidence for or against his wife. Hence the wife of a prisoner jointly indicted with several others, cannot give evidence in support of, or in answer to the charge. In furtherance of the policy on which this doctrine is founded, it was in one case held by Taunton and Littledale (J.J.), (see *Rex* v. *Gleed*, 2 "Russ. on Crimes," p. 983), that where A. was indicted for stealing wheat, the wife of B. (who had absconded) could not give in evidence that B. was present when the wheat was taken, and that he gave it to A.; since such evidence might facilitate an accusation against her husband. And it was in deference to this ruling, that the point which arose in the present case was reserved by Mr. Justice Byles. The prisoner was indicted for obtaining money by means of false pretences. And it appeared that he had obtained it by means of a document, which purported to have been filled up by A., whereas in point of fact it was filled up by A.'s wife, with whom the prisoner afterwards eloped. It was proposed to show by A.'s own evidence, that he had not authorised the document in question to be filled up; but it was contended, on the authority of *Rex* v. *Gleed*, that his evidence was not admissible. The Court, however, held that the evidence might be received, and by this decision in effect overruled *Rex* v. *Gleed*.

Correspondence.

COUNTY COURT PRACTICE.

Is there any neat or succinct work or book on County Court Practice, on something like the plan of the old useful work (before the new rules and Common Law Procedure Act) called "The Attorney's Practice Epitomised" shewing you where

to go and what to pay as fees, &c., at every step or stage in a cause?

Surely one might be compiled, in the size of an ordinary office, 12mo. or 18mo. Diary, and which would pay, if ably got up. Let it shew the mode of application to county court for confirming schemes of charity schools or trusts—insolvency practice, &c.—and if the proposed addition of a portion of the bankruptcy business be given to these "omnibus" courts, there would never be a lack of purchasers of such a work.

J. R.

INTEREST BY WAY OF DAMAGES ON ADMITTED DEMANDS.

Has a judge of a county court, or a jury, either in the superior or county courts power to give interest by way of damages, on sums or demands where an admitted debt is acknowledged though interest is not expressly named? as in the following:—"I, A. B., do hereby agree to pay to C. D. the sum of £——, due for rent, at —— per week, till the above sum is paid."

J. B.

AFFIDAVIT, DESCRIPTION OF DEPONENT.

A., of London, pledged his watch with B., a licensed pawnbroker, giving his name and abode, at the time of pledging, as "J. Smith, Birmingham." A. has since lost the ticket, and B. consequently refuses to give up the watch without the production of the ticket. A. can, of course, recover the watch, by making an affidavit of the loss of the ticket; but, quere, suppose A. to make the affidavit in the name of Smith (not disclosing his *real* name), does he thereby subject himself, in any way, to punishment? And does the description of the deponent in an ordinary affidavit (the part *preceding* the words "maketh oath and saith,") form part of what he swears to?

CAUSIDICUS.

FRENCH TRIBUNALS AND ENGLISH DEBTORS RESIDENT IN FRANCE.

Mr. Westlake, author of the well-known work on "Private International Law," has favoured us with the following answer to a question proposed in our number of last week:—

SIR,—"An Old Subscriber" puts a question under the above title in your number of to-day, and I am able to inform him that the relief desired may be obtained, by applying to the proper French civil court, to have the judgment of the Queen's Bench declared *exécutoire* in France. The effect of such declaration when made will be that the English judgment will be enforceable in France precisely as though it had been originally pronounced in that country; but there is some uncertainty whether the debtor will not be admitted, upon the question of declaring the judgment *exécutoire*, to offer such proof as he may be able, that it was ill-founded either in law or in fact. A Frenchman against whom the execution of a foreign judgment is demanded can certainly offer such proof, but it is a moot point whether a similar liberty of impeaching the decision of a competent, though foreign, court shall be allowed to one who is himself a foreigner. The authorities on either side may be seen collected in the *Traité du Droit International Privé* of the late M. Felix, 3rd edition, art. 352; M. Felix expresses his private opinion that the power of attaching a foreign judgment should be confined to Frenchmen; but the balance of authority is very decidedly in favour of its extension to a foreigner, which is supported by the later decisions of the Court of Cassation, as well as by the names of Merlin, Pardessus, and Troplong.

I may add that the declaration desired must, by the most recent decisions, be demanded before a civil, and not a commercial court, whatever be the nature of the debt for which the judgment of the Queen's Bench was given. See Doliveray's case, Dalloz, 1856, 2nd pt., p. 109.

I am, sir, yours faithfully,

Lincoln's-inn, June 2. JOHN WESTLAKE.

ATTORNEYS' CERTIFICATES.

As it seems probable the continuance of the paper duty may give a handsome surplus in the revenue, when of course a reduction of taxes will be sought for by various classes who feel a particular pressure, I cannot but think the present a favourable moment for bringing forward in your influential publication such arguments as were formerly used in the *Legal Observer*, and which, I believe, were the main cause of our obtaining a partial relief from that most unjust tax the annual certificate duty.

Such serious reductions have of late years been made, and still more extensive ones are contemplated, in professional business, and incomes, that it is but fair towards us to remove altogether a burthen positively oppressive.

I trust, therefore, if you agree with me, you will at the proper time stimulate your readers to fresh efforts to obtain this desirable object, and will also add your own powerful advocacy of our cause.

A SUBSCRIBER.

A LEGAL BENEFIT COLLEGE.

Looking at the success which has attended within a few years the Royal Medical Benefit College at Epsom, it has seemed to me that with a little energy a similar establishment might be effected for the members of the legal profession, provided a number of gentlemen of high standing and means would take the initiative.

At all events, the matter is well worth consideration.

June 5. M. A.

REMUNERATION OF WITNESSES IN CRIMINAL CASES.

About two years since A. B. attended before magistrates at X., as a witness on a prosecution for embezzlement; and was allowed nearly £3 costs. He afterwards attended the sessions at Y., when the prisoner, on trial, was acquitted; on that occasion A. B. was allowed about £2, making together, say £5.

The witness has not yet been paid either, or any part, of those sums.

A. B. has written to the county treasurer on the subject, who replied that the attorney for the prosecution presented two prosecution orders in the case for payment, which were not paid, being unaccompanied by the requisite vouchers to enable the treasurer to get the money returned by the treasury.

A. B. applied more than once to the attorney for the prosecution for payment, and inquired what was wanted; but received no answer. He lately sent a stamped receipt for the two sums to the attorney, and desired him to obtain and send the cash, or to return the receipt.

No notice has been taken; and the receipt has not been returned.

Will any of your readers kindly suggest what course seems the best to be taken by A. B. (who resides above fifty miles from the attorney), to obtain payment of his allowed expenses?

June 5. W.

QUESTIONS ON CONVEYANCING COSTS.

I should be glad if any of your readers would inform me whether the following charges are proper ones:—

1. Where a deed is executed at the time the matter is completed, is it proper to charge for attending execution and attesting, in addition to the fee for attending completion?

2. Where the same solicitor is acting for two parties (say mortgagor and mortgagee), and no copy is made of the draft, is it proper to charge for a fair or a close copy?

3. Where a solicitor is acting for a person who is to bring up his title to land, and on which he is raising money, and when the solicitor has prepared the conveyance and investigated the title, is he entitled to a fee for perusing the abstract a *second time* previous to the charges for drawing the mortgage? Both conveyance and mortgage being intended to be settled at the same time.

ARTICLED CLERK.

The Provinces.

BOURTON.—A case was tried at Bourton before the magistrates a few days since, in which the question of the liability of rifle corps to pay tolls was raised. An ensign in the Bristol Volunteer Rifle Corps summoned the collector at the Arno's Vale turnpike for illegally receiving a toll of 4½*d.*, for a horse and brougham used in conveying him to drill. The ground of exemption (being on her Majesty's service) failed, the magistrates considering the carriage unnecessary, and directing the plaintiff to pay costs.

BRADFORD.—Mr. Stewart, clerk of the Wakefield Union, appeared at the court-house on the 4th inst., in support of an

application to transfer the maintenance of a pauper lunatic, named James Fining, now in the West Riding Lunatic Asylum, from the township of Wakefield to the West Riding. Mr. Marsden, the West Riding solicitor, opposed the application. The ground of the application was that the pauper lunatic, who is an Irishman, had gained no settlement in England, and that, therefore, as his place of settlement could not be ascertained, in accordance with the provisions of the law, the liability to maintain him must be laid upon the county. It appeared that the pauper lunatic had resided many years in Wakefield, though about two years ago he left the town for about three months, and had resided in Dewsbury. It was contended by Mr. Stewart that this constituted a break of residence; but Mr. Marsden held that it could not be so considered, inasmuch as the pauper lunatic had left Wakefield when under the influence of disease, and although his wife followed him to take care of him, their furniture was not removed from Wakefield. The Bench refused to grant the application.

HALIFAX.—*Important Turnpike case.*—On Saturday, the 2nd inst., before the West Riding magistrates, at Halifax, Mr. Ely Sutcliffe, cotton spinner, Stainland, was charged with refusing to pay toll on what is called the Eland and Saddleworth-road. The refusal was made for the purpose of having the case tried, and it was made at a gate on a branch of the road—running from Skey-house to Barkisland. Until recently there was no gate in the branch, but twelve or eighteen months ago the commissioners erected a gate there, charged toll at it, and by that means had caused great cost and annoyance to defendant and others. The objection was not to the number of gates, but to the number of paying places, the Road Act stating that there should not be toll demanded at less intervals than two-and-a-half miles. What defendant claimed was, that a ticket should be given at this new bar to clear the next, seeing that it was not two miles and a half off. The Commissioners, on the other hand, wished to reckon the branch as to all intents and purposes part of the main road, and not to be separated from it. The magistrates took defendant's view of the matter and dismissed the summons. It was, however, agreed to grant a case for the Court of Queen's Bench. Mr. Booth, of Holmfirth, appeared for the Commissioners, and Mr. Holt, of Ripponden, for the defendant.

Ireland.

COURT OF QUEEN'S BENCH.

(Before the FULL COURT.)

June 2.—*Commissioners for taking Affidavits.*—*Ball, Q.C.*, moved to appoint Mr. Joseph Meagher, formerly a solicitor but now retired from that profession, and resident on his property at Tullow, in the county of Carlow, a commissioner for taking affidavits there, and also moved to appoint Mr. Norris to a similar office for Clara, King's County.

The Court appointed both gentlemen.

COURT OF EXCHEQUER.

(Before the CHIEF BARON, Baron FITZGERALD, and Baron HUGHES.)

May 31.—*Dickson* v. *Capes and Others.*—In this case an action has been brought for alleged false imprisonment by the plaintiff against Messrs. Capes & Stuart, of London, Solicitors. Mr. May applied on behalf of Mr. Tyrrell, Solicitor, that he should not be affected by any renewal of the writ of summons and plaint. The cause of action arose in 1853, and had been kept alive by various renewals. Mr. Tyrrell sought to plead the statute of limitations.

Mr. *Exham* appeared for the plaintiff to oppose the application, and said that, if it were granted, his client would be deprived of his right against all the parties which had been given him by the renewal of the writ. They could not make an order separating the parties who were defendants, without disabling the plaintiff against any of them.

The Court reserved judgment.

DUBLIN CHAMBER OF COMMERCE.

The annual general assembly of the members was held on Saturday, the 2nd inst., when Mr. Thomas Crosthwait, President, took the chair.

The hon. secretary, Mr. Francis Codd, read the report, which contained, amongst other things, reference to the following subjects:—

OFFICIAL DEBTORS.

"The council have felt it their duty again to request the attention of the law officers of the Crown to certain privileges enjoyed by persons holding important public offices, and which are not unfrequently perverted to a means of evading the payment of their just debts. It is notorious that persons invested even with judicial functions approach to and retire from their court under shelter of these privileges, and, although receiving large official emoluments, set their honest creditors at defiance. It is surely impossible to suppose that a functionary whose life is one continued evasion of law and of honour, can undertake the discharge of public duties in a befitting frame of mind, or that suitors can respect that justice which is administered by an individual who systematically violates it. The council have reason to believe that the law officers are alive to the necessity of legislation to correct this public scandal and private injustice; but they apprehend that in the present state of public business, a measure of redress can scarcely be expected this session.

BANKRUPTCY CODE.

"The Attorney-General for England has brought before Parliament a measure to improve the law of bankruptcy. The council may, with some degree of pride, refer to the fact that many of the most valuable propositions of the English Attorney-General, amongst them the amalgamation of the bankruptcy and insolvent jurisdictions, have already been carried into a law in this country at their suggestion. It is not intended to extend this measure to Ireland, but when it shall have received the final assent of the Legislature, the incoming council will, no doubt, feel it their duty to consider whether many of its provisions, especially those intended to apply the bankruptcy laws to every class of debtors—to reduce the expense of the proceedings in court—and to give to the creditors' assignees more direct control over the management of the estate, might not be advantageously incorporated with our Irish law, or whether it would not even be desirable, that the bankruptcy code should be entirely assimilated in every part of the United Kingdom."

Scotland.

NOTES ON THE HUSBAND AND WIFE RELATION LAW AMENDMENT (SCOTLAND) BILL.

(*By* JOHN BOYD KINNEAR, *Scottish Advocate and Barrister-at-Law.*)

This important Bill seems to have for its object the assimilation to a certain extent of the Law of Husband and Wife in England and Scotland. There is no subject on which assimilation is more desirable, nor any on which it is more practicable, for there is no practical distinction between the two countries in the social relations which influence the law. On those portions of the Bill which affect the law of divorce in both countries, I shall not here comment; but, earnestly desiring to promote the assimilation of the law, I shall point out certain matters in the Bill which appear to be opposed to the principles on which any such attempt should be based. These principles are, in brief, that whatever change is introduced in the law of either country should be in the direction of adopting the law of the other, if that law be not itself objectionable, and that, above all, no new discrepancy, unless the strongest reasons can be alleged for it, should be permitted to arise. Lawyers in both countries have an interest in seeing that in all our legislation these rules are observed.

The first provisions of the Bill are directed to giving a wife deserted by her husband the same power of obtaining protection for her earnings, and the property to which she may succeed, after the desertion, as she has in England under the 20 & 21 Vict. c. 85, s. 21; and 21 & 22 Vict. c. 108, ss. 6, 7, 8, 9, & 10. But there is this difference in the Scottish Bill, that it confers the power to grant protection only on the Court of Session, the supreme court of the country; while the English Acts confer it also upon the police magistrates in the metropolis, and upon the justices of the peace in petty sessions in the country. The difference in expense is material, and there seems no sufficient reason why the sheriffs of counties in Scotland should not be entrusted with jurisdiction. There is also in the Scottish Bill, § 5, a power of appealing from such an order, which has no parallel in the English system, and which must obviously tend still further to increase expense. The power to recall the

order, given in the same section, ought to be sufficient, particularly as the Scottish Bill requires the husband to be cited before any order is made at all, which the English Acts do not.

There are, also, in the English Acts certain provisoes respecting the ascertainment of the date of desertion, and respecting the property held by the wife, over which the protection extends, which would be found useful in Scotland. In one respect, a provision contained in the Scottish Bill appears likely to introduce confusion, which would not otherwise exist; for it is proposed to be enacted (sect. 2) that the protection shall not apply to property acquired by the wife, of which the husband, or his assignee, has, before the date of presenting the petition, obtained full and complete lawful possession. Here the question will constantly be raised, What is, in respect to the property of a wife, full and complete lawful possession by the husband? For it must be remembered that the doctrine of a husband's rights depending upon his reducing property into possession does not exist in Scotland; and the nature of his possession remains consequently undefined. The common law rule in Scotland is, indeed, that the possession of the wife is possession by the husband (Bell's Pr., ss. 1551, 1552). If this be the rule, what is there that is not in the "lawful possession" of the husband?

Sect. 8 adopts the English rule, that in an action of divorce, at the instance of the husband, for adultery, the alleged adulterer shall be made a party. But it ought to be combined with a repeal of the old Act, which makes the marriage of a divorced woman with the adulterer, named in the sentence of divorce, illegal. Hitherto, the statute has been in practice ineffectual, through the fact that the identity of the adulterer was not usually brought to the notice of the Court. If he is made a party, the statute will of course necessarily operate to avoid the subsequent marriage.

Section 14 enacts that a husband shall be entitled to all the rights due by the curtesy of Scotland, although a living child shall not have been born of the marriage between him and his deceased or divorced wife. It is difficult to see a reason for this enactment. Curtesy in Scotland is in the main subject to the same rules as curtesy in England. One of these is, in general words, that it does not arise unless an heir to the wife's estate be born of the marriage. Why should this rule be altered in Scotland while it still stands in England; and the laws of two countries made divergent where at present they agree? Certainly, there is no hardship to be remedied; for, if a husband has neglected to obtain proper settlements before marriage, his object has generally been a sinister one, and he does not deserve the favour of the law in asserting a claim to his wife's real estate. And why, if right to curtesy extends to the case of his wife being divorced, should his interest in that event, in the case of a childless wife, be increased?

Section 16 purports to introduce in Scotland rules more or less resembling the doctrine of the Court of Chancery respecting a wife's equity to a settlement. As the matter is important, and the words are not very intelligible, they are subjoined:—

"When a married woman succeeds to property or acquires right to it by donation, bequest, or any other means than by the exercise of her own industry, the husband or his creditors or any other person claiming under or through him shall not be entitled to claim the same as falling under the *communio bonorum*, or under the *jus mariti*, or husband's right of administration, except on the condition of making therefrom a reasonable provision for the support and maintenance of the wife, if a claim therefore be made on her behalf, and in the event of dispute as to the amount of provision to be made the matter shall, in an ordinary action, be determined by the Court of Session according to the circumstances of each case, and with reference to any provisions previously secured in favour of the wife.

A proviso follows that this rule shall not apply to property of which before the wife's claim the husband or his assignee has obtained complete lawful possession, or which a creditor has attached. Leaving aside the difficulty again occurring of interpreting "lawful possession" on the part of the husband; the first point that draws notice in the foregoing clause is the exceeding vagueness of the phrase "a reasonable provision for the support and maintenance of the wife." Under what circumstances, is the first question: is the provision to be of income paid to her separate use, during her residence with her husband, or is it to be payable only in the event of desertion, and is it to be barred by misconduct on her part? Then is the capital to be settled on the children, or on the husband absolutely? We all know what an immense deal of litigation has occurred before these points were settled in England, and it seems unfortunate that the whole question should be thrown into the Scottish Courts without the slightest discretion to guide their decision. And how is the decision to be obtained, is the second question? The Bill says, "in the ordinary action." Is the ordinary action to be one instituted expressly by the wife, to have her right declared and a portion of the fund settled; or is it to be an ordinary action brought by the husband, or by an assignee for value, or a creditor, to enforce the security granted by the husband, in which the wife appears and makes her claim? Obviously these are matters which the Bill leaves wholly unregulated, and yet which must arise whenever it comes into operation.

That the Scottish readers of this Journal may understand the nature of the questions which are certain to arise upon the Bill as it is at present drawn, I shall here subjoin a very brief outline of the doctrines of the English Courts in regard to the subject.

Properly speaking, the doctrine is confined to the Court of Chancery, in which it is of very old date. But the courts of common law have so far recognised it that they will not admit an action by a husband for a legacy due to his wife, in order that he may be compelled to go into Chancery, and to submit to its rules. And the Court of Chancery has frequently stopped by injunction the ecclesiastical courts from entertaining a suit of such a nature. Within the Court of Chancery itself, the leading rule is this: whatever a husband can obtain without its intervention, and lying beyond its proper control, it will permit him to hold without interference. But whatever he requires to come to Chancery to vindicate, or whatever estate or fund be within the hands of the Court, it will not give up to him, nor aid him in obtaining, except on condition of his "settling" the whole or a portion on his wife for life, on their children after her death, and on the survivor of the husband and wife, if there is no issue. The amount to be so settled varies. It may be the whole if there is nothing previously settled on the wife, or if the husband is bankrupt or insolvent. In other and ordinary circumstances it is generally the half. The remainder is handed over to the husband absolutely. In some cases the whole will be given to him. What is the nature of the fund or interest which will be made the subject of a settlement, has given rise to a great deal of dispute; and it has been held that there is a distinction between a capital fund and a mere life interest; the wife's title to receive the latter, or a portion of it, to her separate use, being, perhaps, limited to the case where her husband does not live with and maintain her, or the case of his bankruptcy; while it is quite settled that a particular assignment by him of the whole life interest, for value, will defeat her claim.

The right may be asserted by the wife, by a bill filed in Chancery. It will also be enforced by the Court without any bill, by withholding payment to the husband of a sum in its hands.

The wife may waive her right before a settlement is made, but she cannot waive it afterwards. Moreover, in the case of the wife's death, after the decree of the Court ordering a settlement to be made, but before a settlement is made, the right is transmitted to her children.

As these form but a very small portion of the questions which have been raised in England, and which must arise in Scotland, should this Bill pass in its present form, it will easily be seen how important it is that lawyers in both countries should unite their efforts to have it put into shape.

Societies and Institutions.

LAW AMENDMENT SOCIETY.—SCHEME FOR A LAW UNIVERSITY.

The following paper on a scheme for the establishment of a Law University was read by Mr. J. Napier Higgins before a meeting of the Law Amendment Society, on Monday, the 31st ult:—

There may appear to be at first sight a contradiction in the terms which imply that a university may be restricted to one special branch of science, excluding the study of all others. The old notion of a university, and the strict one, no doubt, is, that its objects and concern extend so as to embrace the whole domain of human knowledge; that it includes all science and all literature. Accordingly, we find that in our great national universities there are professorships not only of languages, mathematics, theology, and philosophy—natural, mental, moral, and social—in all their principal branches; but also of jurisprudence, and of *belles lettres*. So great, however

has been the advance and increase in the extent and variety of learning since Lord Bacon mapped out its domain, and enunciated the principles to be adopted in its acquirement, that there is now hardly any great department of it, except that with which *we* are immediately concerned—which has not more or less asserted its independent claims, and individual importance, by the establishment of some corporate body especially devoted to its study and culture. Thus we have incorporated colleges or societies of physicians, surgeons, preceptors, engineers, chemists, actuaries, artists, and so on—none of them being devoted to the mere cultivation of an art or business as distinguished from its cognate science; but dealing with science itself, and also with its application to the arts and business of life.

It is certainly strange that, in this respect, the course of English jurisprudence as to the manner of, and opportunity for its cultivation in this country should have been for some centuries, until recently, entirely retrogressive.

In one of those quaint addresses to the reader which are to be found prefixed to Coke's Reports, that great lawyer, after minutely describing the functions of the inns of chancery and the inns of court, such as they discharged in Lord Coke's time, goes on to say, "All these are not far distant from one another, and altogether do make the most famous university for profession of law only, or of any one human science, that is in the world, and advanceth itself above all others, *quantum inter viburna cupressus.* In which houses of court and chancery the readings and other exercises of the law, therein continually used, are most excellent and behooffful for attaining to the knowledge of these laws."* Lord Coke, in the essay from which I have just quoted, very fully describes the course and manner of study pursued by persons intended for the bar in his time, as well as what was required of utter-barristers. A student was first moot-man, who argued readers' cases in an inn of chancery. After eight years' study as a moot-man he might become an utter-barrister, and have the chance himself of then being chosen as a reader in some inn of chancery. Out of the utter-barristers of twelve years' standing were chosen benchers or ancients, from whom were selected what were called the single and double readers. In some respects therefore—so far at least as regards organisation for the purposes of teaching and a progressive course of study, Lord Coke was justified in speaking of the inns of court and inns of chancery in his day as a "most famous *university*," although it was for the study of the law *only*.

I am not now, however, about to enter upon a branch of our subject which has already—and particularly within the last twelve or fifteen years—been handled very largely. I, therefore, do not propose to occupy your time by any attempt at tracing the history or the reasons of the decline of legal education in this country. I remember to have read, I think in Lord Campbell's "Life of Lord Somers," that the noble biographer fixes that period as the commencement of the system of private pupillage in barrister's chambers; and points with regret to that fact, as the cause of the anomalous position of our inns of court and chancery in more recent times. Everybody knows, however, that of late years considerable attention has been directed to the subject now under consideration. I believe that one of the first symptoms of a desire on the part of the inns of court to revive their proper functions, was an attempt by the Middle Temple some fifteen or twenty years ago, to appoint a lector to the ancient society of Clifford's-inn, which was said to have been in old times affiliated to the Middle Temple. The Principal and Rules of the former antique body, however, without seriously attempting to dispute the right of the Middle Temple to make the appointment, adopted an effectual, though most hospitable mode of stopping his mouth, by invariably naming the dinner hour as the time for the learned prelection to come off; and I believe upon every occasion on record, the learned lector and his venerable audience agreed unanimously that they might spend their hour in discussing something more palatable than law.

About the year 1845, the subject of legal education was seriously taken in hand by the inns of court; and in the year following, a scheme of lectorial instruction and of voluntary examinations was set on foot. Professors were appointed, and the experiment was commenced. Mr. Spence lectured to a large class at Lincoln's-inn on Equity. Mr. Bowyer, at the Middle Temple, discoursed on Civil law and General Jurisprudence. At Gray's-inn, Mr. Lewis's lectures on the law of real property attracted a crowd of students and junior barristers; and there were periodical moots and honour examinations, which were entirely successful, and did much to prepare the way for what has since been accomplished. We know that there is now a council of legal education of all the inns of court, and that no student is eligible to be called to the bar, who has not either attended one whole year the lectures of two of the readers, or satisfactorily passed a public examination. The examination lasts for part of three days, and is both oral and by printed questions. Studentships have also been founded; and there are certificates of honour, the holders of which take rank in seniority over all other students called on the same day. Five readers (all of them accomplished lawyers), have been appointed, one on constitutional law and legal history, one on equity, one on the law of real property, one on jurisprudence and the civil law, and one on common law. The method of education combines public lectures with instruction by the lecturers in private classes; and I believe that the income of each lecturer depends to some extent upon the degree of his success.

If I am not mistaken, the lecturers are also the public examiners. I do not stop now to make any remark upon the peculiar features of this scheme. I am merely stating facts, and endeavouring to discover, as a matter of fact, what is the present condition of legal education in this country. It was generally rumoured a-year ago that there was a great difference of opinion among those who constitute the governing bodies of the inns of court, as to the subject of a compulsory examination previous to admission to the bar. The names of distinguished lawyers were freely mentioned as advocates of the *status quo;* and persons of no less eminence in the profession were named as the favourers of the test of a compulsory examination. It is said that, owing to a very small majority, things remain as they are. It is worthy of note, however, as I have already mentioned, that, according to the regulations now in force, no one (except he passes a public examination) can be called to the bar unless he shall have attended one whole year, at the least, the lectures of two of the readers.

Before 1835, any person by mere service under articles, and without an examination, might become an attorney. The body of solicitors established the Incorporated Law Society, and instituted an examination which must be passed by every student previous to admission on the roll of attorneys. Since then, they have also established lectureships in common law, equity, and conveyancing; and since the year 1835, owing to the untiring exertions of the Council of the Incorporated Law Society, the educational requirements of persons who are desirous to become attorneys have been greatly raised. A Bill, moreover, is now before Parliament, providing, amongst other things, for the establishment of a preliminary examination for such students.

In addition to the opportunities afforded by the inns of court and the Incorporated Law Society for legal education, there are others which it would be unfair to overlook; Cambridge has its Regius Professor of the Civil Law and Downing Professor of Law.

In Oxford there are the Vinerian Professor of Common Law, the Chichele Professor of International Law, and the Regius Professor of Civil Law.

The University of London has its examination in law and the principles of legislation; and there is also the Gresham Law Lectureship.

From what has been already stated it will be seen that something has been done within the last few years, and that there are now at work numerous educational agencies touching the science of jurisprudence and the legal profession. I desire not to depreciate them; but, on the contrary, to give to all of them the honour they deserve. But the facts which I have stated are sufficient to raise several questions of an important character in reference to the particular topic now under consideration:—

1st. Is there any reason why all these valuable agencies should remain disconnected without any general plan or harmonious action?

2ndly. Is the sum total of what is, or can be, accomplished by them all, sufficient for the requirements of the country, or even of the legal profession?

I shall consider the second question first. What, then, are the requirements of the country and of the profession in respect of legal education? Upon a casual glance they might appear to be limited, first, to the supply of a learned judiciary; secondly, of a learned and well trained body of advocates; and thirdly, of a respectable and educated body of persons for the discharge of the more detailed and minute duties connected with the administration of the law. If this assumption were correct, I should hardly have felt justified in addressing the Society upon the present subject; but the assumption in fact is

* 3 Coke, xix.

very incorrect. Although the legal profession—using the term in its narrowest sense—may be said to include only the three classes of persons which I have enumerated, yet it would be a mistake to assume that, putting these classes of persons aside, the country has no further necessity of the services of a considerable number of persons who have had the advantage of a systematic legal education. I would allude first and foremost to the great body of our UNPAID MAGISTRACY. England, I believe, is the only country in Europe in which the law is to any considerable extent administered by persons who never received any education in the law. I am far from denying that the rude equity generally administered by country justices is not generally fair enough in its results. Perhaps, that it is so, we are more indebted to a free and watchful press, and to the very general feeling of respect for law on the one hand, and for private rights on the other, which exist in this country, than to the fact that the magistrates are almost universally ignorant of the law which they are called upon to administer. A recent elaborate and valuable work* devoted to the duties of a justice of the peace out of sessions, I have no doubt has already had the effect of raising an alarm in the breasts of many of those worthy gentlemen, as it ought amongst the entire community. The vast number of things of a disagreeable and dangerous character which a justice of the peace out of sessions has a right to attempt, is truly startling. The Acts of Parliament intended specially to relate to his jurisdiction, or to guide or interfere with it, are well nigh greater than any man could number; while the law of evidence, to which he is supposed to pay respect, is the same as that which sometimes taxes the ingenuity of the subtlest minds and of the most learned lawyers. In a very clever article on the subject of justice and justices in the February number of the "Law Magazine," I find the following striking observations on this subject:—"It is alleged that the catalogue of offences extends to two thousand on which magistrates have power to impose fines and terms of imprisonment, from the smallest sums up to £100, and from the shortest periods up to twelve calendar months; at quarter sessions they have power to imprison for much longer periods, or to sentence to penal servitude for a period corresponding to transportation for fourteen years. Writers on criminal law assert that there are 500 offences indictable and triable, which must previously be investigated by magistrates at petty sessions. In addition to all this, there are numerous matters relating to wages, apprentices, highways, railways, turnpike roads, church-rates, the poor law and all its complicated rules, granting licenses, cases of affiliation, appointing constables, overseers, hearing appeals against rates, &c., &c. In fact, the administration of the law, *in every day affairs*, is altogether entrusted to magistrates. In reference to law as its operation affects the masses of people, *justice law* is infinitely more important than Westminster Hall law. The great body of the people pass year after year without hearing one word about the superior courts at Westminster; but they are on all sides surrounded by magistrates' courts, in which are transacted the daily work of popular legal affairs. What, then, are the requisite qualifications for the proper discharge of these complicated and weighty duties? Before a magistrate is permitted to inflict his views of the multitude of intricate statutes, which partly form justice law upon his fellow countryman, what proof has he to give that he has ever read them, or, if he have, that he understands the scope and intention of the Legislature? Ere the justice is invested with the appalling power to fine heavily his neighbours, or to incarcerate them for long periods, by what previous examination has he proved that he is qualified, mentally, legally, and morally, for the performance of such terrible duties, so vitally affecting the liberties, wealth, and happiness, of Englishmen? To all these inquiries, the only answer is none whatever."

Of late years, however, there has been, no doubt, a very strong leaning on the part of the executive, and of the country generally, in favour of the appointment of *stipendiary* magistrates; and in the metropolis and most of the great provincial towns, professional gentlemen, of experience in the administration of criminal law, have been appointed to the office. I am not aware whether practising barristers have been or are now always appointed, and whether they only can be appointed to the office of paid magistrates in this country; but by a return just issued to an order of the House of Commons it appears that out of seventy-two stipendiary magistrates in *Ireland* only four were barristers. The qualifications of the others are stated in detail in this official document. Thus the qualification of one gentleman was that he was "an exon in the royal guard of yeomen of the guard;" of another, that he was a "clerk in the commander of the forces' office;" of another, that he "held a company in the militia;" and so on. I offer no explanation of this anomalous state of things; nor do I desire to raise any discussion upon the question whether men educated in the legal profession, and those only, ought to be eligible for such appointments. I wish to avoid every extraneous topic, and to adhere to the logic of facts. Independently, therefore, of the question last mentioned, and of the more general question involved in the system of unpaid magistracy, it remains to be considered whether it would not be desirable—whether it is not, in fact, loudly demanded by the requirements of the country—that there should be some means of imparting a suitable legal education to that large class of administrators of the law which are comprised in the magistracy, stipendiary and unpaid. I submit that nothing less than a legal university will accomplish this.

In former years perhaps—certainly in old times—more than at present, the inns of court were frequented by a considerable number of country gentlemen, who desired to become justices of the peace in their own localities; the majority of them probably obtained the degree of barrister-at-law in due time; and although few of them during their pupilage learned much of law in any direct or dogmatic manner, they were, upon the whole, improved as to their legal knowledge by habitually mixing with real students of law. Now, I do not mean to suggest that there should be any sudden, or, at however distant a date, any inflexible rule, that the commission of the peace should not be conferred upon any except those who had received some degree or certificate of a legal university. But I think that it would be most useful, not only to the class of persons from whom the unpaid magistracy and members of Parliament are ordinarily selected, but to the community at large, if part of the education of such persons was conducted within the precincts of a legal university, and with a view to their future magisterial or Parliamentary duties; and I think I shall be able to show that this suggestion could be much more easily and would more probably be carried into effect, by means of a legal university, such as I shall hereafter describe, than by means of any existing institution.

I now turn to another class of persons outside the profession of the law, for whose instruction in at least one branch of jurisprudence it is certainly high time to make some provision. I believe that standing armies and foreign embassies owe their commencement to the same date in the history of modern civilization. What at first, however, appeared to be an accidental circumstance, seems now to have the character of a natural and necessary association. Jeremy Bentham, if I mistake not, invented the word "international;" but what we mean by questions of public international law questions savouring of juristical science, and arising between one nation and another—have long engaged the attention of jurisconsults. Of late years, however,—owing to the greatly increased facilities of intercommunication between states lying widely apart, and to the vastly increased number of interests and transactions between the subjects of different states, questions of public international law have been assuming startling importance, not less because of the frequency with which they arise, than of the result which they sometimes involve. Yet, strange to say, the almost universal rule in this country is to appoint as foreign AMBASSADORS persons who not only are unacquainted with such subjects, but from their previous pursuits must be assumed to be hardly competent to consider much less to decide them. Thus we have found on several occasions that this country has been committed to war, or very nearly so, in reference to questions appertaining purely to international law; while the agents who have had English interests under their care were manifestly wholly incapable of dealing with such subjects. I shall allude to one or two recent instances, and merely by way of illustration.

In the month of March last a conversation took place in the House of Lords as to the duty of English naval officers whose ships were stationed in the Bay of Naples, in reference to Neapolitans claiming protection upon the ground that they were exposed to personal danger. It is sufficiently evident from what transpired in that conversation that a very important abstract question which was involved, had never received the consideration which it deserved; and that it was left to be decided at haphazard by our ambassador, or whatever admiral happened to be in command of the station.* Again,

* "Summary of the Duties of a Justice of the Peace out of Sessions." By Thos. J. Arnold, Esq., one of the Metropolitan Magistrates.

* Since the foregoing was written, some correspondence has been laid before Parliament (*Times*, May 28), including a letter from the Foreign

there is some reason to doubt whether we should now be exposed to the cost and vexation of a war with China, if Mr. Bruce had been accustomed to consider such questions of abstract right as, for example, whether the denial of one country to the ambassador of another of his right to "choose the most expeditious and commodious route to the capital," is, by the law of nations, sufficient ground of itself, not only for the declaration of war, but for the commencement of hostilities; or the question of an ambassador's right or authority, not only to declare, but to make, war; or the question, how far and in what cases an ambassador has power over the commanders of his country's naval and military forces, and the extent to which ambassadors can order or control warlike operations. I may also allude to one more illustration which is furnished by what was called the American difficulty of four years ago. Our ambassador at Washington was then Mr. (now Sir John) Crampton, a gentleman, I believe, who pretends to no more acquaintance with the principles of jurisprudence than ordinarily belongs to our diplomatic agents. There is little reason to doubt that, if Mr. Crampton had been accustomed to consider questions of a legal character this country would have been spared the risk of a war with the United States, and the humiliation of an apology, that although our Minister had violated the law of the United States, it was from ignorance or want of consideration, and not from deliberate intention.

I say that ambassadors and persons discharging diplomatic functions ought to be familiar, not only with the principles of the law of nature and nations, but with the principles relating to those international duties and obligations which arise from specific conventions or treaties; that such familiarity can be secured only by well-directed study of those branches of international law; that means for such study ought to be provided; and that such means might best be provided through a law university.

Nobody, perhaps, will be found who will deny that, in the discharge of diplomatic functions, questions of a juristical character, which can only be dealt with by persons imbued with knowledge of legal principles frequently arise; and the practice in this country has been to refer such questions for solution, where it is possible to do so, to the law advisers of the Crown. In a passage from the State Papers of Lord Burleigh, cited in "Dr. Phillimore's Commentaries upon International Law," we are informed that the English government of that day propounded a number of questions to civilians for their opinion; and no doubt some such course is usually when it can be adopted, now-a-days. And so not less it would, and ought to be, if English diplomatists, as a rule, received an education in the principles of international law. Whenever any grave and important question of international law which affected the interests or the honour of this country, can be referred to the consideration of our ablest lawyers at home, of course it ought to be; but as in ordinary matters, (such as are affected only by municipal law), it frequently requires a tolerable lawyer to understand and appreciate the questions which arise, simply as *questions*—without reference to their decision—which perhaps would only be within the competency of far abler men—so in international affairs, it sometimes requires the education of a lawyer to understand and appreciate the significance, and possible results of certain acts or proceedings which properly come within the cognizance of jurists.

There is also another reason why it is extremely desirable that our diplomatic agents should be conversant with legal principles and questions; and the reason is one which is daily acquiring greater force. I refer to some legal questions of international interest connected with commerce, such as the different interpretation of the liability of shipowners in respect of collisions at sea, in different civilised states; the use of fraudulent trade marks in foreign countries (as to which I may refer to a very important communication on the subject which appeared in the *Times* of last week); the extradition of criminals; the law relating to foreign debtors; the administration of bankrupts' estates, and the adjustment of the liabilities of firms where the business is carried on in different countries; questions relating to the doctrine of neutral flags, and the still unsettled category of what is contraband of war. All these are surely subjects demanding something like a legal education in who has to deal with them definitely. Nor is the Government or Parliament unwilling to recognise the force of such arguments as these. I find by the third report of her Majesty's Civil Service Commissioners that international law is now one of the subjects in which candidates for the office of paid attaché are examined. I see in the report twelve questions on that subject which have been proposed to such candidates; but as far as I have been able to discover, there is but one examiner in law for the entire civil service — although the several great branches of the law form distinct subjects of examination — namely, real and personal property law, mercantile law, equity, common law, conveyancing, constitutional law, and international law. Moreover, it nowhere appears where, or in what manner, our future diplomatists are expected to gain a knowledge of international law, so as to prepare themselves for examination. There are, no doubt, already some gentlemen who have acquired a facility in cramming such candidates, so as to enable them to pass; but I have great doubt whether, in the absence of any school suitable for students in international law, that such examinations will much conduce to the education of our foreign diplomatists in this respect.

We now come to another class of persons in whose legal education the country is interested—I mean our CONSULS abroad. Although they are not public ministers, yet they have an important character and position; and they discharge important public functions of a quasi-judicial nature. They have at least the *jurisdiction arbitrale* over such of our countrymen as happen to be within their districts; and they have in most instances indirectly by means of their local influence in the state to which they are accredited and perhaps in the degree in which its customs and religion are antagonistic to our own, considerable power in all matters in dispute between subjects of the sovereign for which they act, especially in all matters relating to commerce. The British consul is the natural protector of the British sailor in a foreign port. Under the Mercantile Marine Act, the consul forms part of a naval court to try certain important cases as to the discipline of ships. The consuls of Turkey and the Levant have both criminal and civil jurisdiction. There is an appeal from the outports to the judge at Constantinople, from whom there is an appeal to the Privy Council. Mr. Chancellor Kent* has treated largely on the duties and jurisdiction of American consuls and vice-consuls. The authorities and powers of our consuls are regulated in part by Acts of Parliament, in part by general instructions from the Foreign office, in part by orders in council, in part by municipal law, and in part by international law and the comity of nations.† There are also certain acts, orders in council, and circulars conferring jurisdiction upon, or directing the manner of, its exercise, in particular consulates; as, for instance, in the Levant and Turkey, Siam, and also in China.‡ There would not be time for me to give the faintest idea of the extent and variety of the judicial or *quasi*-judicial duties of English consuls abroad in different parts of the world. Such duties are very onerous and very numerous, and certainly require for their satisfactory discharge some knowledge of criminal and of constitutional law, as well as of the laws affecting the shipping and commerce of this country.

By way of illustration of the curious prejudices which are superinduced in the minds of officials in favour of the *status quo*, I may allude to Mr. Hammond's evidence before the Committee on Consular Service, 1857-8 (p. 193, Q. 2266):—

"Q. Does not the very fact of your appointing a barrister to act as judge and vice-consul, rather show that a knowledge of law would be a very great benefit to our consuls generally?—A. Only in the Levant; and I should say that so much of the civil business there depends upon the custom of the Levant, that a legal education is not required for a consul even there, and might perhaps be rather a disadvantage than otherwise.

"Q. The French have no necessity to change their plan, inasmuch as they have in the *cancellier* a man who is a legal adviser?—A. Yes, a man of legal education.

"Q. Does he decide cases between French subjects?—A. I imagine he acts rather as assessor and adviser.

"Q. This appointment at Constantinople does not interfere with the other consuls in the interior of Turkey in any way, does it?—A. They are subject to the jurisdiction of the judge; they are to obey the orders, and report to the judge what they do."

Whoever reads Mr. Hammond's evidence will see that he

Office in 1849, stating Lord Palmerston's views on the subject of the right of British ships of war in a foreign port to receive on board and shelter the subjects of a foreign Government. It also includes one from Mr. Elliot to Lord John Russell, dated in March last. Whoever will read the correspondence cannot fail to be convinced of the importance of having such questions discussed on principle by persons conversant with the doctrines of international law.

* Commentaries, vol. 1, pp. 42, 43.

† See British Consuls' Manual, by E. W. A. Tuson. 2 Phillimore's Commentaries, part 7.

‡ See Tuson, pp. 122, 176.

regards legal education as altogether unnecessary, even where proper judicial functions are to be discharged.

At present, however, the Civil Service Commissioners—at the suggestion of the Foreign Office—affect to require of candidates for the consular service "a sufficient knowledge of British mercantile and commercial law to enable them to deal with questions arising between British shipowners, shipmasters, and seamen." But I believe that the same gentleman who examines candidates for the situation of "third-class clerk" in the solicitor's office of one of the public departments, in the principles of equity, and in such questions of common law as the special indorsement of writs, also has the duty of testing the knowledge of consular candidates in questions relating to bottomry bonds, seamen's allotment tickets, the effect of blockade, and how far the slave trade is to be regarded as piracy. Supposing consular candidates not to be members of any inn of court or students at the Law Institution, it is not easy to imagine how they could become at all conversant with commercial law, so as to be able to answer such questions at all satisfactory, if their answers are intended to be a test of their competency as mercantile lawyers. Ought there not to be some test of their knowledge other than a dozen questions put by an examiner, whom we cannot suppose to be very familiar with this subject? If it is desirable, then, that our consuls should be persons of such an education as I have indicated, is it not clear enough, that in their case, as also in the case of our ambassadors, there ought to be some means by which such an education might be imparted?

Another class of persons in this country requiring legal education is also to be found amongst other classes of our CIVIL SERVANTS. Thus I find that clerks of the House of Lords, in case they are ignorant of, or afraid to pass, an examination in, English History, must prove to the satisfaction of some one (it does not appear whom) that they have the power of drawing up legal instruments or clauses in a Bill—a power which, it may be remarked in passing, does not always appear to belong to the noble lords themselves. So in the Colonial Office, the elements of constitutional and international law are one of the subjects of examination for a clerkship. Committee clerks of the House of Commons have to pass an examination in the elements of the law of evidence. For a situation in the Metropolitan Police Court, a candidate must (if he be a certificated attorney, but strange to say, it appears not otherwise) pass an examination in criminal law. Something is expected from a clerk in the Solicitor's Office, either in the Inland Revenue, the Post Office, or the Treasury, more than could be found in some judges at Westminster Hall, or than ever will be found, until that millenium shall arrive when common law and equity shall cease their bickerings, and Westminster Hall and Lincoln's Inn embrace in token of eternal amity. The course of subjects for these clerks embraces the widest domains of law; it takes in the general principles both of equity and common law, and, to all appearance, the whole of conveyancing, including of course its minute details. The same remarks apply here as in the former cases to which I have referred; and I shall therefore not repeat them.

India, and our wide colonial empire (even excluding Canada and Australia, as for this purpose we may), present a very wide field for observation, in reference to the subject now more immediately under consideration. Want of time, however, prevents me doing anything more than asking your attention for a moment to the necessity of providing for the special education of men who desire to qualify themselves for JUDICIAL OR MAGISTERIAL EMPLOYMENT IN OUR COLONIES.

At present, English lawyers (to whom, as a rule, we can hardly attribute more than a knowledge of our own law), administer judicially—without any previous special training—very different systems of law in our various colonies. In British Guiana, the Cape of Good Hope, Natal, and also in Ceylon, they administer Roman Dutch law. In the Mauritius, I believe the Code Civil is of more authority than Blackstone or Viner. In Trinidad the laws are Spanish in their origin. In St. Lucia, the law comes from the *coutume* of Paris. Some of these systems are now in force by virtue of special treaty. For instance, upon the surrender of Demerara and Berbice, the articles of capitulation expressly stipulated that the laws and usages of these colonies should remain in force. We interpret the agreement by sending out judges familiar only with English law; to administer what is known as the Roman Dutch law—a species of compound, as its name imports, between the Roman civil law and the colonial edicts and ordinances which emanated from the supreme authority in Holland.*

Throughout the vast continent of British India, many ancient and elaborate systems of law are administered by Englishmen, who never had the advantage of *any kind* of legal education, and have no acquaintance with the principles even of their own law. In India, in addition to the laws enacted by the Governor-General, there is the Hindu law, emanating from various sources, interpreted by different schools of native lawyers, and written in a great number of Hindu law books. Then, there is the Mohamedan law, of which I may say the same thing; and there are the laws peculiar to the Parsees, Portuguese, Armenians, and the other nations of India. The Indian Law Commissioners of 1853 recommended that the anomaly of the administration of law, and of such law, by men who were not lawyers, should be put an end to; and that in future barristers of five years standing should alone be eligible for such appointments; but although that might be some improvement on the present system; would not the necessity of providing suitable education for such barristers still remain?

I shall allude, only in the most cursory manner, to the importance of providing for the legal education of the class of men from whom our LAWMAKERS come; and on this subject I may be permitted to read to you a passage in an address delivered in 1850* to this society, on the formation of a law school, by its noble President.

Alluding to the mischiefs which arise from the want of a legal education in the general body of our legislators, Lord Brougham says:—"The one which first strikes us is, that all questions, not merely of a purely legal description, but which are in any way connected with matter of law, are left in the hands of professional lawyers. The rest of the assembly recoil from the consideration of them; it is forbidden ground to be avoided by all; it appertains to the sanctuary, not within the veil of the temple but as near adjoining *pur cause de vicinage* it is not to be looked at, much less profanely trodden by lay feet. Yet many of the most important general questions have such legal relations, and these are, therefore, turned over to the lawyers as within their exclusive province, which they manifestly are not. But then, it may be said, on such questions it is better that professional men be consulted — consulted certainly, as certainly not obeyed — and for this plain reason, that you never can be sure of having professional men who ought to govern the decision. Nay, you never can tell what force of this description there is in the assembly. The lords, indeed, have always amongst them high legal functionaries; yet even they are of uncertain number and value. Thus it is a mere accident that any lawyer but the Chancellor is a member of the Upper House; and no one can pretend that all questions connected with legal subjects should be left in his hands. The Lower House has often hardly any lawyer fit to dictate upon such subjects. But lawyers do not always, perhaps do not often, take the most enlarged or enlightened view upon subjects of legislation. They have the bias of the craft; they are averse to change; they view things with a professional eye—an eye jaundiced with the prejudices of their calling. They worship the *idola specus* much, the *idolon fori* different from that so named by Bacon, most devoutly and most constantly of all. To make them safe guides even in matters of law, they must be consulted by him who is so far acquainted with his subject as to be on his guard against the consequences of such idolatry But for want of this knowledge being generally diffused the lawyers oftentimes mislead their fellow law-makers."

As I have already said, I have very much abstained from a discussion of any such questions as relate to the special education of BARRISTERS and ATTORNEYS; and I now desire to say a word upon the subject, not as it interests the profession so much as it does the public generally. Perhaps in a law university, better equity draftsmen, special pleaders, or real property lawyers, would not be turned out, than are now to be found in the ranks of the profession. But I think as a rule, better *lawyers* might be—lawyers who would be more capable of serving society not only in discharge of their proper professional functions, but in all that relates to the amendment of the law and its administration. So long as it is the rule that every student at the very commencement of his career, devotes himself to the study of some particular department of English jurisprudence, so long in the nature of things must the present arbitrary and unscientific divisions of English law remain im-

* The case of *Steele* v. *Thompson* (8 W. R. 374), is a recent instance in point. It was an appeal to the Privy Council from the Supreme Court of British Guiana; and the question was whether, according to the Roman Dutch law, a conveyance or "transport" could pass a servitude or easement by implication. On the hearing of the appeal, numerous authorities relating to the Dutch and the Civil law, but none relating to English law, were cited.

* 12 Law Rev. 218.

pregnable and ineffaceable. The only hope of ever bringing about in any satisfactory manner that fusion of law and equity about which the present Attorney-General has written and spoken so much, and which the present Lord Chancellor has endeavoured to effect by a vigorous and sweeping, but altogether ineffectual Bill which is now before Parliament, is by means of the common education of English lawyers in the general principles of jurisprudence—which are common to, and underlie, both law and equity—by means, I say, of an education in fact adapted to the particular end of accomplishing such a fusion, as well as the initiation of a more scientific jurisprudence than we have yet known in this country.

I believe, that in most other countries, all law students, or at least those intended for the judicial office, or the practice of advocacy, must necessarily go up to a certain point, through the same education, not only in polite literature, but in the great principles of all the various branches of the science of law. In France, a student must first obtain the diploma of Bachelier-es-lettres before he presents himself at the *Ecole du droit*, and every student must, before he becomes an avocat, prove his familiarity with, not only the Code Napoleon, but with criminal, commercial, and international law.* Throughout Germany—where some functionaries, such as notaries public, are included in the ranks of the profession—every student of law must qualify at some gymnasium, or high school, and pass a final examination in general law, (Encyclopædia of Law) and also in the common law of Germany, the Roman law and other subjects. In the kingdom of the Two Sicilies "any one intended for the profession of the law after passing his examination in *belles lettres* must undergo a course of examination in one of the universities," in civil and criminal, and commercial law, and also in the Roman law, *jus naturæ et gentium*. In the United States of America no person is allowed to practise in the law until he has passed an examination, which differs in different states. Even in the province of Upper Canada — where students for both branches of the profession appear to be educated together—there are entrance and final examinations for all the students—such examinations being adapted to the different classes of students, and taking into account whether they have been to the university or not; but all of them embracing both common law and equity. I believe this is the only country in the world where a man is permitted, and may even with advantage to himself, practise one branch of law, being in total ignorance of every other. That anomaly and opprobrium would, at all events, be wiped away by the establishment of a law university, which would prescribe a common course of study for all its students, during a certain and sufficient period of their pupillage.

I find that I have expended so much time in discussing the second general head of my subject that I am compelled to make short work of the first general head, which I reserved for subsequent consideration. We have been considering how far the general requirements of the country and of the profession (but especially of the former), in respect of legal education, are met by the present means of legal education in England. We had already formed some estimate of what those means are. We have seen that they are altogether inadequate to the necessities of the country. I think that they are more inadequate than they need be, or would be—taking into account the wealth of some of the bodies to which I have referred, and also the intellectual vigour and resources of this country—if these bodies as far as possible were brought into united or harmonious action; and if the plain duty were set before them, not merely of the training up every year of an indefinite number of advocates and attorneys; but of completely providing for the legal education required by the entire country; for the legal education of those whose duties, though not of a professional nature, nevertheless demand some knowledge of the general principles of law, and also, perhaps, of some one or more of its special branches.

I think it has been clearly shown that it is hopeless in this country to cultivate legal studies to any considerable extent at our existing national universities. I think I have also shewn that all the agencies for legal education now at work are insufficient to meet the requirements of the country. The question remains whether any mere extension of such agencies would meet the case; or whether it might be more effectually met by a combination or reorganization of them all, or of so many of them as may be united. I respectfully submit for the consideration of this society that the latter is the only feasible and judicious course to adopt. The inns of court are and have always been institutions designed for members of and students for the bar only. They never have been and never conveniently can become schools or colleges for the instruction of the several classes of persons to whom I have referred or of our colonial judges or Indian writers. Neither could the Incorporated Society affect to discharge such a duty. The Universities of Oxford and Cambridge have professors of law as they have professors of music, and of physic, and archæology, merely for the sake of theoretical completeness to carry out the old notion of the universality which should characterize such institutions. But Oxford and Cambridge never have been and never can be efficient to discharge such duties. All the different classes of extra professional persons, as well as the colonial functionaries, to which I have referred, are in some sense or other public servants; and their education is more or less the concern of the State. Now I mean to say, that a law university might be constituted which would provide for the legal education not only of such persons but also of barristers and attorneys; and that the education of them altogether in the same university would be attended with the best results to all. I propose, then, shortly that the four inns of court and the Incorporated Law Society should be constituted a Law University for the purposes already mentioned. That there should be a matriculation common to all students; and that for a given period according to the analogy of both English and foreign universities, the course of study should be the same for all. At the end of such period I would suggest that either the same university, or the inns of court, retaining their present special functions, should undertake the special education, and the duty of selection of candidates, for the bar. In the same way after such period of study common to all the students of the university, let the university or the Incorporated Society discharge the special functions now assigned to the latter body. Let the university itself have within its particular province the various extra professional classes of persons and also the peculiar subjects to which I have referred.

A student intending to become a barrister might enter the university and some inn of ocurt at the same time; and so articled clerks to attorneys might enter the university and the Incorporated Law Society together. The inns of court and Law Institution would thus still retain their privileges, and each would continue to have its *specialité*. The only difference would be, that no one could become a barrister or attorney who had not matriculated at the university, and passed a subsequent examination there.

I shall now very shortly by way of conclusion state the advantages which I think would arise from such an institution.

1. It would be extremely useful that every person intended for the practice or the administration of the law should, before entering upon the study of the special branch for which he was intended, devote a sufficient time to the study of the general principles which are common to every department of jurisprudence.

2. One of the most immediate beneficial results would be the breaking down of the present arbitrary and artificial distinctions of English law, which have been maintained hitherto mainly by reason of the fact, that, in no one generation of lawyers, are there an appreciable number of persons who are completely conversant with the doctrines of equity on the one hand, and the rules of law on the other.

3. It would greatly tend to facilitate the process, and improve the manner—what Jeremy Bentham called the mechanics—of legislation by informing the minds of the class from which our legislators come in the principles of legislation and jurisprudence.

4. It would improve the quality in all respects, where a knowledge of law was requisite or desirable, of our diplomatists, consular agents, rural magistracy, and a considerable body of civil servants.

5. It would tend to elevate the social position and the professional qualifications of attorneys.

I shall only add that the scheme which I have proposed has more or less sanction from that which has been adopted in almost every civilised state except our own.*

I have been so pressed for time in the preparation of this paper, and have had to travel over so much ground, that I have been unable to make much use of what has been already done by others in the same field, and to confine my observations to such matters as appear to me not to have been hitherto much adverted to. I have already alluded to Lord Brougham's inaugural address delivered before this society on the formation of a law school. Mr. Macqueen, in a lecture before the benchers of Lincoln's Inn in 1851, Mr. W. D. Lewis, in a paper

* See Inns of Court Inquiry Commissioners' Report, p. 10.

* Inns of Court Inquiry Commission Rep. pp. 10 & 11.

read before the Juridical Society, and Mr. Cookson, in a paper read before the Metropolitan and Provincial Law Association in 1855, have published numberless valuable suggestions upon the subject. I have been mainly anxious to avoid what has been already so well done.

Law Students' Journal.

QUESTIONS FOR THE EXAMINATION.

Trinity Term, 1860.

I. PRELIMINARY.

1. Where, and with whom, did you serve your clerkship?
2. State the particular branch or branches of the law to which you have principally applied yourself during your clerkship.
3. Mention some of the principal law books which you have read and studied.
4. Have you attended any, and what, law lectures?

II. COMMON AND STATUTE LAW AND PRACTICE OF THE COURTS.

5. At what time can a distress for rent service be made?
6. By what means can a judgment of one of the superior courts be enforced?
7. Where a judgment remains unsatisfied, when is a suggestion or writ of revivor necessary, before the judgment can be enforced by execution?
8. If a joint promise is made by A. and B. to C., who are all dead, leaving executors, who are the parties to sue and be sued?
9. To which parties to a bill or promissory note must a notice of dishonour be given if it is wished to hold them liable?
10. On the guarantee of the debt of a third person, must the consideration appear in the written memorandum?
11. What is a lien, and how is it created?
12. What is stoppage *in transitu*?
13. After what lapse of time does a deed or will prove itself?
14. Within what time must a defendant, who resides in England, plead?
15. If a coachman negligently drives his master's carriage, and thereby injures another, when is the master liable?
16. Is a husband liable for the debts of his deceased wife, such debts having been incurred before marriage?
17. Under what circumstances can a debtor be held to bail, and how?
18. What notice of trial, and notice of countermand, is ordinarily required?
19. In an action of ejectment for freehold land, how is a will affecting the title proved?

III. CONVEYANCING.

20. Refer to the Statute of Uses, and explain the nature of an use, executed by the statute.
21. Where land is conveyed "unto and to the use of A., and his heirs, upon trust for B., his heirs and assigns," is A. in by the common law or by the statute; and does B. take a legal or an equitable estate?
22. In the case of a limitation to A. B. for life, with remainder to the heirs male of his body, what estate does A. B. take in fee-simple lands?
23. In what manner were remainders over protected previous to the 28th of August, 1833, when the Act passed for the abolition of fines and recoveries, and who are now the protectors of a settlement for that purpose?
24. What is the nature of that estate termed a "base fee?" How was a base fee acquired previous to the 28th of August, 1833? How, since that time, can a base fee be acquired by a tenant in tail in remainder?
25. Are purchasers from trustees for sale, without any clause that the receipt of the trustees shall be a sufficient discharge to the purchaser, liable to see to the application of the purchase-money; and to what extent has the law in this respect been recently altered?
26. What were the rights of the heir or devisee of mortgaged freehold estates, without any testamentary provision, as to the payment of the mortgage-money, against the personal estate of an intestate or testator who died before the 31st of December, 1854, and to what extent have such rights been since altered?
27. In wills made previous to the 1st of January, 1838, what form of expression was necessary to confer on the devisee of freehold lands an estate in fee-simple, and what change in the law has since taken place?
28. State some of the principal alterations in the law of wills made by the Wills Act of 1837.
29. What are a married woman's powers of disposition over *personal* estate, settled to her separate use, either absolutely or for life?
30. In what cases, and in what manner, can the reversionary interest (not settled to separate use) of a married woman in personal estate, be disposed of by her and her husband? Has there been any recent enactment on the subject?
31. If land be limited to such uses as A., an unmarried woman, shall by deed appoint, without expressly providing that the power may be exercised during coverture, and she afterwards marries and appoints by deed—is the appointment valid?
32. What mode of execution of deeds, in exercise of powers of appointment by deed or instrument in writing, not testamentary, is now in all cases sufficient, though not in all cases necessary?
33. Can the mortgagee of real estate, without express power, sell the mortgaged property? Does the same rule prevail in the case of a mortgagee of personal chattels?
34. A. mortgages land to B. to secure £1,000 advanced at the time, and also future advances, and subsequently mortgages the same land to C. to secure a present advance, and C. gives B. notice of his mortgage. If B. afterwards makes A. a further advance, will that advance rank in priority to C.'s mortgage?

IV. EQUITY AND PRACTICE OF THE COURTS.

35. What are the general heads of remedial equity?
36. What is the meaning of "marshalling assets?"
37. What amounts to an equitable assignment?
38. When will a court of equity enforce a voluntary trust?
39. What is the meaning of "tacking?"
40. When will a vendor lose his lien on the estate for his unpaid purchase-money?
41. If a vendor dies before payment of the purchase-money to whom is it payable?
42. When will letters operate as a binding agreement for the sale and purchase of an estate?
43. What time is allowed to a defendant to put in his answer when required to answer?
44. In what time after issue joined must the evidence on both sides in a clause be closed?
45. Within what time after the evidence has been closed should the plaintiff set down his cause for hearing?
46. When is a defendant entitled to require security for costs?
47. Who are the persons entitled under 15 & 16 Vict. c. 86, s. 45, to obtain an administration summons?
48. What effect upon a suit has the marriage of a female plaintiff and defendant respectively?
49. What is the necessary evidence to support a petition for leave to sue in *formâ pauperis*?

V. BANKRUPTCY AND PRACTICE OF THE COURT.

50. State the general objects of the bankrupt laws,—1st, as regards the creditor, 2nd, as regards the bankrupt himself?
51. Is there any, and what, appeal from the Court of Bankruptcy?
52. State the requisites to support a petition for adjudication of bankruptcy, at the instance of a creditor, and the like at the instance of the debtor.
53. What is the course of proceedings to obtain adjudication against a joint stock company?
54. Name some of the persons liable to become bankrupt and some of the exceptions.
55. State the amount required for the petitioning creditor's debt, distinguishing the single debt of a creditor, or of two creditors being partners, or of two creditors not being partners, or of three or more creditors not being partners.
56. Will an equitable debt support an adjudication of bankruptcy?
57. What are the requisites of the petitioning creditor's debt in regard to the period of the trading and the act of bankruptcy?
58. Can a peer, or member of the Commons' House of Parliament, be made bankrupt, and if so, how is adjudication obtained?
59. State some of the principal acts of bankruptcy, distinguishing those which a trader may "voluntarily" commit from those which he may be "compelled" to commit?
60. State some of the provisions of the Bankrupt Law Consolidation Act, 1849, relative to the acts of bankruptcy, by filing a petition for arrangement under the control of the Court,

and when and within what period such acts of bankruptcy may be made available.

61. State the general kinds of debt which may be proved under a bankruptcy, and what are not proveable.

62. When, and how, is a bankrupt's certificate obtained, and what is its effect?

63. Does a bankrupt, after bankruptcy, remain liable for the rents, and to the covenants in leases, and what steps must be taken to relieve him from such liability?

64. When is a settlement made by a trader before bankruptcy, void, as against his creditors, and what jurisdiction has the Court of Bankruptcy in respect thereof?

VI. Criminal Law and Proceedings before Magistrates.

65. In what cases is a magistrate bound to admit the accused to bail; in what cases has the magistrate power to bail or not in his discretion; and in what case is he not empowered to admit bail?

66. In what case may a private person arrest, without a warrant, a person accused of having committed a felony? and what risk does he incur by so doing?

67. Mention some of the offences for which justices of the peace can convict summarily.

68. What are the most usual modes of prosecuting to conviction a person guilty of a criminal offence? State the various ways in which the proceeding may be commenced.

69. What are the rules as to the county or venue in which the trial must take place?

70. Give an explanation of the meaning of the term "felony," as applied to crimes in the law of England.

71. Are there any, and what, offences in which the evidence of two witnesses is required in order to convict the party charged?

72. Define the crime of burglary.

73. State several of the crimes which, in the earlier part of the present century, were punishable by death, but which are no longer liable to that punishment.

74. What defence must be pleaded specially to an indictment for a crime; and what defence can be given in evidence under a plea of "not guilty?"

75. State the offences (if any) in which all persons acting or assisting are regarded as principals, and none as accessories.

76. State the acts or omissions by which a bankrupt may render himself liable to be prosecuted criminally, under the Bankrupt Law Consolidation Act, 1849.

77. If a prisoner be convicted of a crime, has he in any case the power of appealing against such conviction? And what course should he pursue to obtain a reconsideration of the conviction or sentence?

78. If a judgment or conviction be set aside by a writ of error, can the defendant be prosecuted again for the same offence?

79. Is a married woman who has committed a criminal offence, exempt from conviction under any, and what, circumstances?

CANDIDATES WHO PASSED THE EXAMINATION.

Trinity Term, 1860.

[Candidates names appear in Small Capitals, and Solicitors to whom articled or assigned follow in ordinary type.]

Baily, Francis James.—Henry Francis Theobald Miller.
Bainbridge, George.—John D. Holmes.
Batt, Henry Edward.—Henry Batt.
Beasley, Thomas.—Thomas Rushton; George Cooper.
Bidlake, John.—William C. Glover; Richard Daniel Newill.
Blyth, Robert Robson.—George Hicks Seymour.
Boyle, William Carvill.—William Ansell Boyle.
Bradford, Richard.—Henry Daniel Davies.
Braham, David.—Lewis Henry Braham.
Brooke, Zachary, Jun.—Zachary Brooke.
Brunton, Thomas Preston.—William Wilkinson Brunton.
Clarke, Alexander Henry.—William Clarke.
Clemmet, James, Jun.—Timothy Crosby.
Curtler, John Ashmore.—John Curtler.
Cuthbertson, Howel.—Alexander Cuthbertson.
Day, Frank William.—George Game Day; John Broughton.
Dotchon, Thomas.—Matthew Gray.
Draper, John Henry.—Thomas Draper; Dugald E. Cameron.
Duncan, William Elliott.—John Lamb; Edward Turnbull.
Fawdington, Arthur Ellis.—Ellis Cunliffe.
Few, Robert Hamilton.—Charles Few, jun.
Froggatt, John George.—John Froggatt.
Godfrey, John Perry.—John Godfrey.
Greaves, Henry.—Henry Thomas Darnton.
Green, Frank Henry.—Jenkinson, Sweeting, & Jenkinson.
Greenhow, Robert.—Thomas Hughes.
Harcourt, Durrant Bateman.—William Galsworthy.
Harding, Arthur Raymond.—Benjamin Austen.
Harris, Henry Foard, B. A.—John Jackson Blandy.
Hewitt, Thomas.—George Birch.
Holt, Charles Augustus.—Charles Holt.
Hooper, Hugh Edwin.—Alexander Frederick Patterson.
Hughes, Edwin.—James Colquhoun.
Hulton, James Cross.—John Hulton.
Jones, Augustus.—Samuel Peed.
Justice, Frederick John.—Henry John Davis.
Kersey, Walter Robert.—John Brouncker Ingle.
Killick, Henry Fison.—James Wood.
King, Francis Thornley.—John Stone.
Lawrence, Edmund Rist, the younger.—Joseph Garratt.
Leadbitter, Thomas Francis.—Nathaniel Hollingsworth.
Leader, William.—John Fielder.
Lloyd, William Henry.—Alexander Edwards.
Logan, Alexander Crosby.—James Septimus Robinson
Lovesy, Richard Whithorne.—Edward L. Griffiths; William Matthews.
Lyon, Nash Edwards Vaughan, M.A.—James Wittit Lyon.
Marshall, Thomas, B.A.—Robert Lawson Ford.
Minett, William Henry.—Henry Minett.
Newington, George.—Robert Sankey.
Owen, Richard.—Owen Owen. Thomas Helps.
Penny, William Hughes.—Edmund Byrne.
Powell, Evan Wynne.—Edward Griffith Powell.
Priestly, John Hessel.—Joseph Nowell.
Primrose, James.—William Hobart Rees.
Pugh, Warren.—Frederick Allan Grant.
Rhodes, John.—John Pick Allison.
Roberts, John Hugh.—William Thearsby Poole.
Rowley, Alexander Butler.—James Campbell Rowley
Scott, John Robinson.—Henry Charles Chilton.
Shew, Henry Harford.—Samuel Benjamin Merriman.
Silburn, William.—Henry Powell.
Skipper, Charles Philip.—George Wyatt Digby.
Skipper, James Starke.—William Skipper.
Soden, Alfred James.—Frederick Barlow.
Stephenson, Robert.—Charles M. B. Veal.
Stone, William, M.A.—William Phelps.
Temple, John Alfred.—Thomas Henry Scarborough.
Thomas, Arthur.—Henry Rodgers.
Thompson, George.—Nathaniel Polhill Kell.
Turner, Samuel William.—Samuel William Turner.
Waller, William Alexander.—William Waller.
Watson, Robert Spence.—Joseph Watson.
Watts, Thomas.—Thomas Spooner.
Waugh, John George.—William Chater; Charles B. Hodgson.
Webb, Matthew.—Thomas Rawlins.
Webb, William.—David Williams Wire.
Woodbridge, Francis.—James Berriman Tippits.
Worthington, George William.—Robert Milligan Shipman.
Yeo, Thomas.—George Henry Sawtell.

EXAMINATIONS AT THE INCORPORATED LAW SOCIETY.

Trinity Term, 1860.

At the examination of candidates for admission on the roll of attorneys and solicitors of the superior courts, the examiners recommended the following gentlemen, under the age of twenty-six, as being entitled to honorary distinction:—

1. William Carvill Boyle, aged 21, who served his clerkship to Mr. William Ansell Boyle, of London.
2. Alexander Butler Rowley, aged 22, who served his clerkship to Mr. James Campbell Rowley, of Manchester.
3. Arthur Raymond Harding, aged 24, who served his clerkship to Messrs. Austen & De Gex, of London.
4. Alexander Henry Clarke, aged 21, who served his clerkship to Messrs. Clarke & Morice, of London.

The council of the Incorporated Law Society have accordingly awarded the following prizes of books:—

To Mr. Boyle, the Prize of the Honourable Society of Clifford's-inn.

To Mr. Rowley, one of the prizes of the Incorporated Law Society.

To Mr. Harding, one of the prizes of the Incorporated Law Society.

To Mr. Clarke, one of the prizes of the Incorporated Law Society.

The examiners have also certified that the following candidates, whose names (with the exception of that of Mr. Killick, whom the examiners think deserving of especial notice) are placed in alphabetical order, passed examinations which entitle them to commendation:—

HENRY FISON KILLICK, aged 21, who served his clerkship to Mr. James Wood, of Bradford, Yorkshire; and Messrs. J. W. & W. Flower, of London.

FRANCIS JAMES BAILY, aged 21, who served his clerkship to Mr. Henry Francis Theobald Miller, of Frome; and Messrs. Combe and Wainwright, of London.

THOMAS HEWITT, aged 22, who served his clerkship to Mr. George Birch, of Lichfield; and Mr. George Capes, of London.

THOMAS FRANCIS LEADBITTER, aged 21, who served his clerkship to Messrs. Hollingsworth and Tyreman, of London.

JOHN HESSEL PRIESTLY, aged 21, who served his clerkship to Mr. Joseph Nowell, of Barton-upon-Humber.

JOHN RHODES, aged 22, who served his clerkship to Messrs. Arrowsmith and Allison, of Thirsk; and Messrs. Clarke and Morice, of London.

JOHN HUGH ROBERTS, aged 23, who served his clerkship to Mr. William Thearsby Poole, of Carnarvon; and Messrs. Bloxam, Ellison, and Bloxam, of London.

ALFRED JAMES SODEN, aged 21, who served his clerkship to Mr. Frederick Barlow, of Cambridge; and Messrs. Sharpe Jackson, and Parker, of London.

ROBERT STEPHENSON, aged 24, who served his clerkship to Mr. Charles Marfleet Barron Veal, of Grimsby.

The Council have accordingly awarded them Certificates of Merit.

The Examiners have further announced to the following Candidates that their Answers to the Questions at the Examination were highly satisfactory, and would have entitled them to Certificates of Merit, if they had been under the age of 26:—

THOMAS BEASLEY, aged 26, who served his clerkship to Messrs. Rushton and Cooper, of Uttoxeter; and Messrs. Chester & Toulmin, of London.

JOHN BIDLAKE, aged 27, who served his clerkship to Mr. William Cheshire Glover, of Shiffnal; and Mr. Robert Daniel Newill, of Wellington, Salop.

The number of Candidates examined in this Term was 86; of these, 79 were passed, and 7 postponed.

By Order of the Council,
ROBERT MAUGHAM, *Secretary*.

Law Society's Hall, June 7th, 1860.

CALLS TO THE BAR.

June 6.—The undermentioned gentlemen were this day called to the bar:—

INNER TEMPLE.—Henry Peter Pisani, Esq., B.A. (certificate of honour of the 1st class); John William Mellor, Esq., M.A.; James Tidsall Woodroffe, Esq., B.A.; Robert William Kirby Martin, Esq.; Julian Robins, Esq.; Arthur Paul Stone, Esq.; William Richard Woolrych, Esq.; Richard Temple Rennie, Esq.; John Alfred Burkinyoung, Esq.; Robert Henry Bullock Marsham, Esq., M.A.; Francis Thomas Platt, Esq., M.A.; and Henry O'Hara Moore, Esq., M.A.

LINCOLN'S INN.—John Francis Rotton, Esq., M.A. and LL.B., London; Edward William Gordon, Esq., M.A., Oxford; Charles Walker, Esq., M.A., Cambridge; Charles Dacre Craven, Esq., B.A., Oxford; Arthur Duke Coleridge, Esq., M.A., Cambridge; Hollond Franklyn, Esq., LL.B., Cambridge; Albert Nevins Flintoff, Esq., M.A., Oxford; John Werrett, Esq.; Edward Henry Sayer-Milward, Esq., Napoleon Gibbs, Esq.; Henry Elwyn Hyde, Esq., M.A., Cambridge; William Henry Cleaver, Esq., M.A., Oxford; Thomas Robinson Williams, Esq.; Hugh Pigot, Esq.; William Spencer Ollivant, Esq., M.A., Oxford; Robert Wyatt, Esq., M.A., Cambridge; and Edward Beldam, Esq.

MIDDLE TEMPLE.—Frederick Adolphus Philbrick, Esq., B.A., (holder of the studentship awarded by the Council of Legal Education); Frank Cockburn, Esq.; Etienne Pellereau, Esq.; Joseph Deakin, Esq.; Edward Comyn, Esq.; and Edward Backhouse Estwick, Esq.

GRAY'S INN.—Arthur John Hammond Collins, Esq.; and John Beavis Brindley, Esq.

Obituary.

JOHN BIRKS, ESQ.

In our obituary of this week we have to record the death of John Birks, Esq., of Hemingfield, near Barnsley, one of the oldest members of the profession in the county of York, who died on the 1st instant, at the advanced age of 88 years. The deceased gentleman had a considerable practice, and from his high character was entrusted with the management of large estates by the leading landowners in the neighbourhood. Notwithstanding his great age, he was engaged in business up to a few days prior to his death. We cannot omit to mention a noble act of generosity of Mr. Birks, well known in the district where he resided. A young lady was disinherited by her father, who left a large property to the subject of our memoir and another gentleman; Mr. Birks, with great disinterestedness, declined to accept the bequest, and handed over his share, which was of great amount, to the lady. We believe many other instances might be mentioned of the kindness of heart of this gentleman, who was greatly and deservedly respected by all sects and parties throughout the neighbourhood where for so many years he had carried on a large and lucrative business.

Court Papers.

Court of Chancery.

SITTINGS.—TRINITY TERM, 1860.

LORD CHANCELLOR.
Lincoln's-inn.

Monday, June 11...Appeals.
Tuesday..... 12...Appeal Motions and Appeals.

MASTER OF THE ROLLS.
Chancery-lane.

Monday, June 11...General Paper.
Tuesday..... 12...Motions.

LORDS JUSTICES.
Lincoln's-inn.

Monday, June 11...Appeals.
Tuesday..... 12...Appeal Motions and Appeals.

Vice-Chancellor Sir RICHARD T. KINDERSLEY.
Lincoln's-inn.

Monday, June 11...General Paper.
Tuesday..... 12...Motions and General Paper.

Vice-Chancellor Sir JOHN STUART.
Lincoln's-inn.

Monday, June 11...General Paper.
Tuesday..... 12...Motions.

Vice-Chancellor Sir W. P. WOOD.
Lincoln's-inn.

Monday, June 11...General Paper.
Tuesday ..... 12...Motions and General Paper.

Queen's Bench.

This Court will, on Thursday, the 14th day of June inst., and the two following days, and on Thursday, the 21st day of June inst., and the two following days, hold sittings, and will proceed in disposing of the country cases then pending in the New Trial Paper, and of the cases in the Special and Crown Papers.

The Court will also hold a sitting on Saturday, the 7th day of July next, for the purpose only of giving judgment in cases previously argued.

CROWN PAPER.

NEW CASES.—TRINITY TERM, 1860.

Essex.	Thomas Turnidge, Appellant; Thomas Shaw, Respondent.
Newcastle-upon Tyne.	Henry Sibbet, Appellant; William Ainsley, Respondent.
Metropolitan Police District.	James Empson, Appellant; The Metropolitan Board of Works, Respondents.

Metropolitan Police District.	Charles Peckham, Appellant; The Metropolitan Board of Works, Respondents.
Monmouthshire.	John Gwatkin, Appellant; The Chepstow Water Company, Respondents.
Metropolitan Police District.	The Queen on the Prosecution of Douglas Labalmondiere, Respondent; S. R. Mourilyan & Another, Appellants.
Derbyshire.	William Sudbury, Appellant; Thomas Knifton, Respondent.
Surrey.	The Queen on the Prosecution of Edwin V. Brander & Others, Respondents: Edward Rendle, Appellant.
London.	The Queen *v.* Beazer Blundell.

June 6, 1860.

The following rules are (if not sooner disposed of) ordered to be heard in the Bail Court instead of the Full Court on the last two days of term:—

In the matter of W. H. Mitchell, Gent., one, &c. Ex parte William Evans George.
In the matter of arbitration between John Meek and J. S. Thombs.
Gowar *v.* Fox.
In the matter of arbitration between James Bosher and another.
In the matter of William Brissett Davies, Gent., one, &c.
In the matter of W. C. Smith, Gent., one, &c.
Bergmann *v.* Zimmer.
Ex parte the Rev. J. E. Armstrong, Clerk. In the matter of Woodcock, Gent., one, &c.
In the matter of F. P. Chappell, Gent., one, &c.
Reynolds *v.* Morton.
The Queen *v.* Mary Forster.
———— The Auditor of West Yorkshire District.
———— William Hoole, Esq., and another, Justices.
———— William Smith, Esq., Justice.
———— Samuel Barton, Esq., and another, Justices.
———— The Board of Health of Hartlepool.
———— The Rev. J. M. Echalaz and another, Justices.
———— W. P. Bockin, Esq., and another, Justices, and Thomas Weall.
———— The same and Lewis Green.
———— R. M. Mundy, Esq., and another, Justices.
In the matter of arbitration between the Rev. L. B. Wither and John Nall.
———— ———— the Whitley Iron Company and others.

Exchequer of Pleas.

SITTINGS at NISI PRIUS, in Middlesex and London, before the Right Hon. Sir FREDERICK POLLOCK, Knt., Lord Chief Baron of Her Majesty's Court of Exchequer, after Trinity Term, 1860.

Middlesex.

Wednesday	June 13	Inland Revenue and Special Juries.
Thursday	„ 14	Special and Common Juries.
Friday	„ 16	
Saturday	„ 17	
Monday	„ 18	
Tuesday	„ 19	
Wednesday	„ 20	
Thursday	„ 21	
Friday	„ 22	
Saturday	„ 23	

London.

Monday	June 25	Special and Common Juries.
Tuesday	„ 26	
Wednesday	„ 27	
Thursday	„ 28	
Friday	„ 29	
Saturday	„ 30	
Monday	July 2	
Tuesday	„ 3	
Wednesday	„ 4	
Thursday	„ 5	
Friday	„ 6	
Saturday	„ 7	
Monday	„ 9	
Tuesday	„ 10	

The Court will sit at 10 o'clock each day.
A second Court will sit for the trial of causes when necessary.

NEW CASES.—TRINITY TERM, 1860.

SPECIAL PAPER.

Dem.	Carr *v.* Duckitt.
„	Wright *v.* Wright.
„	Kernot *v.* Potter.
Special case.	Wilkinson *v.* Lowndes.
„	King *v.* Reynolds.

This Court will hold sittings on Monday the 18th, Tuesday the 19th, Wednesday the 20th, Thursday the 21st, Friday the 22nd, and Saturday the 23rd days of June, instant; and will at such sittings proceed in disposing of the business then pending in the Paper of New Trials and in the Special Paper; and will also hold a sitting on Friday, the 6th day of July next, and will, on the said 6th day of July, proceed in giving judgment in all matters then standing for judgment.

Admission of Solicitors.

TRINITY TERM, 1860.

The Master of the Rolls has appointed Tuesday, the 12th of June, 1860, at the Rolls Court, Chancery-lane, at four in the afternoon, for swearing solicitors.

Every person desirous of being sworn on the above day must leave his common law admission, or his certificate of practice for the current year, at the Secretary's office, Rolls-yard, Chancery-lane, on or before Monday, the 11th of June, 1860.

Admission of Attorneys.

The following days have been appointed for the admission of attorneys in the Court of Queen's Bench:—

Monday, June 11. | Tuesday, June 12.

Summer Circuits of the Judges. 1860.

OXFORD CIRCUIT.

BYLES, J., and HILL, J.

Abingdon	Monday	July 9.
Oxford	Wednesday	July 11.
Worcester and City	Saturday	July 14.
Stafford	Thursday	July 19.
Shrewsbury	Saturday	July 28.
Hereford	Wednesday	August 1.
Monmouth	Friday	August 3.
Gloucester and City	Wednesday	August 8.

Births, Marriages, and Deaths.

BIRTHS.

KENNEDY—On June 4, the wife of Alexander D. Kennedy, Solicitor, o Dublin, of a son.
MAIN—On June 2, at 8, Circus-road, St. John's-wood, the wife of D. F. Main, Esq., Barrister-at-Law, of a son.
PLUMBE—On June 5, the wife of Henry Plumbe, Esq., Solicitor, of Winchcomb, of a son.
SKELTON—On June 2, at Greystones, near Sheffield, the wife of George Skelton, Esq., her Majesty's Judge of the Mixed Commission Court, Sierra Leone, of a daughter.
WILLIAMS—On June 1, at No. 19, Margaret-street, Cavendish-square, the wife of George Henry Williams, Esq., Solicitor, of a daughter.

MARRIAGES.

CLARKE—NEWSTEAD—On May 31, Joseph Clarke, Esq., of Ashfield House, Sherburn, Yorkshire, to Jane Johanna, eldest daughter of Charles Newstead, Esq., Solicitor, of Selby.
KNIGHT—WEDLAKE—On June 2, Charles Collard Knight, Esq., to Katharine Isabel, third daughter of the late H. B. Wedlake, Esq., of the Temple, Solicitor.
MARSHALL—NEWTON—On May 31, George, eldest surviving son of George Marshall, Esq., Solicitor, to Betsy Whitton, eldest daughter of W. Newton, Esq., Town Clerk of East Retford.
SHAW—CLARKE—On June 6, the Rev. Thomas Head Shaw, to Rosa Josephine, youngest daughter of the late Frederick Hodgson Clarke, Barrister, of Lincoln's-inn.

DEATHS.

BIRKS—On June 1, aged 88, John Birks, Esq., Solicitor, Hemingfield, near Barnsley.
DAWSON—On June 1, aged 82, Sarah, widow of William Dawson, Esq., Solicitor, formerly of Wakefield.
EMERSON—On May 29, Hugh Alexander Emerson, Esq., aged 66, late ex-Solicitor-General of Newfoundland.
FORD—On June 4, William Ford, Esq., Solicitor, Town Clerk of Dublin, aged 69 years.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

RAGLAN, Right Hon. FITZROY JAMES HENRY, deceased, Right Hon. DUDLEY Viscount SANDON, SAMUEL GEORGE SMITH, and JOHN ABEL SMITH, both of London, Bankers, £346 : 11 1 Consols.—Claimed by the Earl of HARROWBY, SAMUEL GEORGE SMITH, and JOHN ABEL SMITH, the survivors.
GASON, MARY, Widow, Lincoln's-inn-fields, Middlesex, £768 : 3 : 5 Reduced.—Claimed by LUCY SOPHIA GASON, Spinster, the administratrix.

Next of Kin.

Advertised for in the London Gazettes *and elsewhere.*

KING, THOMAS, late of Milton-road, Stoke Newington (who died on or about March 31, 1860). Next of kin to apply to the Solicitor to the Treasury, Whitehall.
PETERS, WILLIAM, late of Bristol, deceased. Henry Richard Peters, son of the above, to apply to Messrs. Abbott, Lucas, and Leonard, Bristol.

London Gazettes.

Winding-up of Joint Stock Company.

LIMITED IN BANKRUPTCY.

FRIDAY, *June* 8, 1860.

BRITISH AND FOREIGN RELIANCE MARINE ASSURANCE COMPANY.—V.C. Wood will proceed on June 22, at 3, to settle the supplemental list of contributories of this company.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, *June* 5, 1860.

AYERS, ANN FORD, Widow, New Romney, Kent (who died on Oct. 23, 1859). Stringer, Solicitor, New Romney. July 6.
BARFOOT, ROBERT, Gent., Broughton, Salford, Lancashire (who died on March 8, 1859). Gibson, Solicitor, 41, John Dalton-street, Manchester. Sept. 1.
CHUDLEIGH, CHARLOTTE JOANNA, formerly of Southampton, but late of

Leamington Priors, Warwickshire (who died on or about Feb. 28, 1860). Field, Solicitor, Leamington. Aug. 1.

Cox, Jane Caroline, Widow, Hardwick House, Ham Common, Surrey, and 74 and 75, Great Queen-street, Lincoln's-inn-fields, Middlesex (who died on or about Aug. 14, 1858) who at the time of her death carried on the business of a Printer, in co-partnership with Charles Wyman, under the firm of Cox & Wyman, at 74 and 75, Great Queen-street aforesaid. Bockett, Son, & Barton, Solicitors, 60, Lincoln's-inn-fields, Middlesex. July 16.

Kay, William, Esq., Merchant, formerly of Waterloo, near Liverpool, and afterwards of Waterhead House, Ambleside, Westmoreland, and late of Leatherhead, Surrey (who died on July 21, 1859). J. Walker, Cotton Spinner, Preston, and T. Sidebotham, Esq., Ramsay, Isle of Man, Executors. Sept. 7.

Kemp, Rev. Nunn Robert Prettyman, Clerk, Erpingham, Norfolk (who died on Aug. 25, 1859). Copeshall, Solicitor. Aug. 25.

Marriott, Sophia Catherine, Spinster, Newton House, Clifton-upon-Dunsmore, Warwickshire (who died on Jan. 4, 1860). W. & E. Harris, Solicitors, Rugby. Aug. 1.

Martin, Sarah Arabella, Leamington Priors, Warwickshire (who died on or about Jan. 8, 1859). Field, Solicitor, Leamington. Aug. 1.

Peirce, Joseph, Smith & Ironmonger, Richmond, Surrey (who died on May 14, 1860). Smith & Son, Solicitors, Richmond, Surrey. July 28.

Russell, Charles William Cromwell, Esq., Cheshunt-park, Hertfordshire (who died on June 12, 1859). Jessopp & Siddall, Solicitors, Waltham Abbey, Essex. July 6.

Sandiford, Elizabeth, Widow, 61, Alma-street, New North-road, Hoxton, Middlesex (who died on April 17, 1860). Digby & Sharp, Solicitors, 1, Circus-place, Finsbury-circus, London. July 10.

Squire, John, Farmer, Woodhouse, Leicestershire (who died on or about Dec. 26, 1858). Perkins, Solicitor, Loughborough. Aug. 3.

Wrentmore, William, Gent., Sydenham Villa, Roath, Glamorganshire (who died on April 23, 1860). Waldron, Solicitor, Cardiff, Glamorganshire. Aug. 1.

Friday, *June* 8, 1860.

Berens, Otto Adolph Victor Alexander, 55, Cannon-street West, St. Paul's, and Raleigh Hall, Brixton Rise, London, Surrey (who died on April 15, 1860). Clarke & Morice, Solicitors, 29, Coleman-street, London. August 1.

Bishopp, Elizabeth, 4, Euston-place, Leamington Priors, Warwickshire (who died on or about July 16, 1859). Field, Solicitor, Leamington. August 1.

Bolingbroke, Charles Nathaniel, Manufacturer, Upper Saint Giles-street, Norwich (who died on April 10, 1860). George Errington Bolingbroke, Wine Merchant, Upper Saint Giles-street, Norwich, & James Mottram, Banker's Clerk, Bank-street, Norwich, Executors. September 9.

Bury, Hester, Leamington Priors, Warwickshire (who died on or about Feb. 18, 1860). Field, Solicitor, Leamington. August 1.

Clarkson, Elizabeth, formerly of 16, Leigh-street, Burton Crescent, Middlesex, but late of 7, Binswood-terrace, West, Leamington Priors, Warwickshire (who died on or about Jan. 12, 1860). Field, Solicitor, Leamington. August 1.

Clemmans, Cordelia, Widow, Tile-kiln-place, Tullerie-street, Hackney-road, Middlesex (who died on April 25, 1860). James Shephard, Glass Cutter, 7, Bowling-green-lane, Clerkenwell, and Henry Starling, Gent., 43, Great Cambridge-street, Hackney-road, Executors. July 24.

Glinn, Charles James Price, Commander in her Majesty's Navy, and Governor of the Gaol of Hereford, formerly of Devonport, afterwards of Portsmouth, and late of the City of Hereford (who died on the 5th of April last). Richard Johnson, Solicitor, Saint Owen-street, Hereford. July 23.

Griffin, Thomas, Retail Brewer, Swan Inn, Belbarn-road, Birmingham (who died on December 14, 1858). Beale & Marigold, Solicitors, 30, Waterloo-street, Birmingham. August 1.

Gwyer, Ann, widow, 108, Temple-street, Temple, Bristol (who died on or about May 24, 1856). John Curtis, Accountant, Exchange, Bristol. August 1.

Harris, Edward, Gent., Cambridge (who died on July 9, 1859). Ebenezer Foster, Solicitor, 28, Trinity-street, Cambridge. June 30.

Jessopp, Joseph, Solicitor, Waltham Abbey, Essex (who died on December 12, last). Jessopp & Siddall, Solicitors, Waltham Abbey, Essex. July 30.

Lamb, John Glanvill, Tallow Chandler, Reading, Berkshire (who died on December 19, 1859). Charles Wills Hoffman, Solicitor, Reading. August 6.

Mayes, Martin, Sen., Nurseryman, Durham Down, Bristol (who died in or about April, 1858), William Sweet, Solicitor, 24, Bridge-street, Bristol. July 13.

Medley, Joseph, Grocer, Southea, Southampton (who died on March 13, last, intestate). J. E. Fox & Son, 40, Finsbury Circus, agents for Ayling Chamberlain, Solicitor, Portsea. July 7.

Mills, Richard, Ironmonger, 3, Ranelagh-terrace, Pimlico (who died on April 1, 1860). Hodgson, Solicitor, 10, Salisbury-street, Strand. September 12.

Perrior, James, Esq., 15, Maida-hill, West, Middlesex (who died on Nov. 23, 1859). Gadsden & Flower, Solicitors, 28, Bedford-row. Middlesex. July 10.

Peters, William, Tin Plate Worker & Zinc Worker, 15, Ashton-terrace, Coronation-road, and 113, Redcliff-street, both in Bristol (who died on March 7, 1860). Abbot, Lucas, & Leonard, Solicitors, Bristol. Aug. 1.

Steuart, Rev. Charles Augustus, Clerk, Sunningdale, Berks, and Berkeley-square, Middlesex (who died on May 25, 1859). Lyon, Barnes, & Ellis, Solicitors, 7, Spring-gardens, Westminster. Nov. 1.

Taunton, Rev. Robert Cropp, Clerk, formerly Rector of Ashley, Hants, but lately residing at 10, Raby-place, Bathwick, Somerset (who died on April 7, 1860). Gill & Bush, Solicitors, 3, Miles's-buildings, Bath. July 18.

Tuckley, Thomas, Nailor & Ironmonger, Coleshill, Warwick (who died on Jan. 13, 1860). Beale & Marigold, Solicitors, Waterloo-street, Birmingham. Aug. 1.

Whipham, Theodore William, Barrister-at-Law, formerly of the Temple, London, and late of Melbourne, Victoria (who died on or about Jan. 14, 1858). Huxham, Solicitor, 4, Hare-court, Temple. July 10.

Wood, Lucretia, Widow, late of Chestham, Henfield, Sussex, and of 13, Old Steyne, Brighton, Sussex (who died on Feb. 16, 1860). Tompson, Pickering, & Styan, Solicitors, 4, Stone-buildings, Lincoln's-inn; or, Smith, Hurstpierpoint, Sussex. July 2.

Creditors under Estates in Chancery.

Last Day of Proof.

Tuesday, *June* 5, 1860.

Bath, John, Fruit Grower, Moulton Hill, Farningham, Kent (who died on or about March, 1860). Bath *v.* Bath & Another, V. C. Wood. June 29.

Brown, Sophia, Spinster, Woodstock, Oxfordshire (who died in or about Oct. 1859). Apsley & Another *v.* Evans & Others, and Margetts *v.* Evans & Others, M. R. July 2.

Deane, George, Gent., formerly of Belgrave-terrace, Upper Holloway, Middlesex, and late of Woodbridge, Suffolk (who died in Nov. 1854). Tresidder *v.* Deane, M. R. June 26.

Gwyer, William Orchard, Merchant, Bristol (who died on April 20, 1843). Stroud *v.* Gwyer, M. R. June 25.

Moore, Joseph, Farmer & Innkeeper, Hampden in Arden, Warwickshire (who died in or about Feb. 1859). Turner *v.* Moore, M. R. June 29.

Phipps, Isaac, Farmer, Bricklehampton, Worcestershire (who died in or about Oct. 1851). Shipway *v.* Ball, V. C. Kindersley. July 6.

Sturmey, John, Yeoman, Weymouth and Melcombe Regis, Dorsetshire (who died in or about Jan. 1840). O'Neill & Others *v.* Luckham & Others, M. R. June 22.

Friday, *June* 8, 1860.

Brown, Isaac, Painter, Rowington, Warwickshire (who died in or about June, 1850). Gould *v.* Taylor, V. C. Stuart. June 30.

Caswell, George, Hatter, 65, Snow hill, Birmingham (who died in or about Oct., 1859). Harrison *v.* Caswell, M. R. June 25.

Campbell, Thomas, Furniture Dealer, Mount-row, Lambeth, Surrey (who died in or about Feb., 1859). Bland *v.* Campbell, M. R. July 5.

Duckitt, Thomas, Farmer, Kirkhouse, Bramwith, Yorkshire (who died in or about Dec., 1850). Duckitt *v.* Duckitt & Others, M. R. July 6.

Gallagher, Jane, Widow, 5, Houghton-street, Liverpool, formerly the wife of Thomas Gallagher (who died on Oct. 20, 1858). Johnson & Others *v.* Gallagher, Liverpool. July 5.

Goldfrap, Rev. Frederic William, Clenchwarton, Norfolk (who died in or about Nov., 1838). Stephens *v.* Goldfrap, M. R. June 30.

Lough, Ann, Licensed Victualler, Rainford-gardens, Liverpool, (who died on or about Aug. 4, 1855), Holliday *v.* Remington & Others.

Todd, Benjamin, Gent., Finchley, Middlesex, (who died in or about March 1860), Todd *v.* Lynn & Another, V.C. Wood. July 2.

Varty, Thomas, Saw Mills Proprietor, Regent's Canal Dock, Commercial-road, Middlesex, (who died on Sept. 14, 1856), Manning *v.* Varty, V.C. Stuart. July 14.

Assignments for Benefit of Creditors.

Tuesday, *June* 5, 1860.

Cropper, Samuel Nathaniel, Derby, John Staines Cropper, Nottingham, & Alonzo Thorpe, Derby, Silk Throwsters (Thorpe & Co.). May 10. *Trustee*, J. Batt, Silk Broker, 39, Old Broad-street, London; J. Place, Banker's Clerk, Nottingham. *Sol.* Brewster, Nottingham.

Hebdon, John, Butcher, Leeds. May 24. *Trustees*, I. Knapton, Butcher, Leeds; W. Walker, Butcher, Leeds. *Sol.* Markland, Leeds.

Jones, Robert Garnett, Draper, Dartford, Kent. May 7. *Trustees*, T. H. Olney, Warehouseman, Watling-street, London; W. Parren, Warehouseman, Cannon-street, London. *Sols.* Honey, Humphreys, & Honey, 14, Ironmonger-lane, London.

Laurence, Henry, Draper & Grocer, Walthamstow, Essex. May 24. *Trustees*, T. W. Eistob, Warehouseman, Wood-street, Cheapside, London; J. Ellerton, Warehouseman, St. Paul's-churchyard, London. *Sols.* Davidson, Bradbury, & Hardwick, Weavers Hall, 22, Basinghall-street, London.

Palmer, Silas, Doctor of Physic, Speenhamland, Newbury, Berks. May 31. *Trustees*, H. Flint, Coal Merchant, Newbury; J. Blacket, Bookseller, Newbury; D. R. Jones, Mercer, Newbury. *Sol.* B. Pinniger, Jun., Newbury, Berks.

Piper, William, Draper, Shrewsbury. May 18. *Trustees*, W. Butterfield, Merchant, Manchester; W. Sprosson, Miller, Whitwick, Staffordshire. *Sols.* H. & J. E. Underhill, Wolverhampton.

Smith, John, Draper, Wellington-terrace, West India-road, Middlesex. May 23. *Trustees*, S. Lowry, Warehouseman, Wood-street, London; R. Kynaston, Warehouseman, Gresham-street, London. *Sol.* Sole, 68, Aldermanbury, London.

White, Patrick, Cart Owner, Liverpool. May 14. *Trustees*, J. Wright, Corn Merchant, Liverpool; B. Sumner, Veterinary Surgeon, Liverpool; J. Winstanley, Wheelwright & Blacksmith, Liverpool. *Sol.* J. Yates, Jun., 22, Fenwick-street, Liverpool.

Winter, Gustave, Warehouseman, Milk-street, London. May 29. *Trustees*, J. Cohn, Merchant, Pancras-lane London; H. Warren, Bill Broker, Nicholas-lane, London. *Sol.* Taylor, 19, Old Burlington-street, Middlesex.

Friday, *June* 8, 1860.

Butler, William Henry, 4, Pitfield-street, Hoxton, Middlesex. May 10. *Trustees*, F. J. Mash, Wholesale Tea Dealer, 19, Eastcheap, London; J. F. Fleet, Wholesale Grocer, 141, Fenchurch-street, London. *Sols.* Bolding & Simpson, 17 Gracechurch-street, London.

Evans, David, Draper, Manchester House, Beaufort-street, Brynmawr, Brecon. May 15. *Trustee*, J. Brown, Warehouseman, Manchester. *Sol.* Cathcart, Newport, Monmouthshire.

Gardner, Charles Edward, Saddler, Paington, Devonshire. May 5. *Trustees*, Endle & Andrews, Curries, both of Totnes. *Sol.* Michelmore, Totnes.

Hurlston, Mary, Widow, Baker & Beerhouse-house Keeper, Tredington, Worcestershire. June 1. *Trustee*, C. Halford, Miller, Newbold Mill, Newbold-upon-Stour, Worcestershire. *Sol.* Hiron, Shipston-upon-Stour.

Judge, George, Builder & Furniture Dealer, Sandy, Bedfordshire. May 21. *Trustees*, F. Hogg, Merchant, Girtford, Bedfordshire; J. McMinnies, Ironmonger, Biggleswade, Bedfordshire. *Sol.* Hooper Biggleswade, Beds.

Marlow, Sophia Woodhead, & Ellen Marlow, Bakers & Confectioners, Reading, Berkshire. June 2. *Trustees*, W. B. Hammond, Miller, Tyle Mills, Sulhampstead Abbots, Berkshire; J. Holmes, Wholesale Druggist, Reading. *Sol.* Neale, 13, Friar-street, Reading.

Smith, Charles, Draper, 14, Gill-street, Liverpool. June 2. *Trustees*, D. Geddes, Draper, 25, Norton-street, Liverpool; J. Black, Wholesale

Warehouseman, Birchfield-bank, Edge-lane, West Derby. *Sol.* Sandys, New Sprinfield, Bootle, near Liverpool.

DENSFORD, WEEDON, Wheelwright Chesham, Buckingham. May 28. *Trustees*, F. Payne, Baker, Chesham; J. Weedon, Widow, Chesham. *Sol.* Francis, Chesham.

Bankrupts.

TUESDAY, *June* 5, 1860.

ADDISELL, JOHN, Druggist & Confectioner, Stockton-upon-Tees, Durham. *Com.* Ellison: June 14, and July 18, at 12.30; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Faber & Wilson, Stockton-upon-Tees; Griffith & Crighton, Newcastle-upon-Tyne. *Pet.* March 2.

BAYLEY, WILLIAM, Jun., & RICHARD BOWDEN NEWSOM, Gold Beaters, 79, White Lion-street, Pentonville, Middlesex, and of Rosemary Branch Wharf, Hoxton, Wood Cutters. *Com.* Holroyd: June 19, at 12.30; July 17, at 2; Basinghall-street. *Off. Ass.* Edwards. *Sol.* Chidley, Basinghall-street, London. *Pet.* May 29.

CARRUTHERS, ROBERT, & GEORGE CARRUTHERS, Drapers, Liverpool. *Com.* Perry: June 13, and July 6, at 11; Liverpool. *Off. Ass.* Morgan. *Sol.* Rymer, Harrington-street, Liverpool. *Pet.* June 2.

GOODWIN, WILLIAM GRINLING, Draper, 17, Upper Marylebone-street, Middlesex. *Com.* Goulburn: June 13, at 1.30; July 16, at 2; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Reed, 3, Gresham-street, City. *Pet.* June 1.

HEALD, GEORGE JAMES, Money Scrivener, Manchester. June 22, and July 13, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Higson & Robinson, Cross-street, Manchester. *Pet.* May 26.

HEBBERD, WILLIAM, Confectioner & Spice Merchant, Liverpool. *Com.* Perry: June 15, and July 10, at 11; Liverpool. *Off. Ass.* Cazenove. *Sol.* Harris, 20, North John-street, Liverpool. *Pet.* June 1.

KING, CHARLES LUSH, Tailor & Hatter, 4, Pier-terrace, Ryde, Isle of Wight. *Com.* Fonblanque: June 20, and July 18, at 12; Basinghall-street, *Off. Ass.* Graham. *Sol.* Wyatt, 11, King's-road, Bedford-row. *Pet.* June 2.

SHEPPA'ID, JOB GOODMAN, Brewer & Wine Merchant, Towcester, Northampton. *Com.* Fonblanque: June 20, and July 18, at 1; Basinghall-street. *Off. Ass.* Stansfeld. *Sols.* Pagden & Co., 71, Mark-lane, London. *Pet.* May 29.

TOYNBEE, THOMAS, Hotel Keeper, 4, Southwick-street, Hyde-park, Middlesex. *Com.* Fane: June 15, at 12; and July 13, at 11; Basinghall-street. *Off. Ass.* Cannan. *Sol.* Empson, 61, Moorgate-street, London. *Pet.* June 4.

YATES, JOHN, Grocer, Oldbury, Worcestershire. *Com.* Sanders: June 20, and July 9, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Collis & Ure, Birmingham. *Pet.* May 31.

FRIDAY, *June* 8, 1860.

AULTON, SOPHIA ANNE, Smallware Dealer, Nottingham. *Com.* Sanders: June 19, & July 10, at 11.30; Nottingham. *Off. Ass.* Harris. *Sols.* Hunt & Son, Nottingham. *Pet.* June 5.

BLOXHAM, ALFRED BRADLEY, Wine Merchant, 14, Southampton-street, Strand, Middlesex. *Com.* Fonblanque: June 21, at 12, & July 18, at 2; Basinghall-street. *Off. Ass.* Graham. *Sols.* Lawrence, Plews, & Boyer, 14, Old Jewry-chambers, London. *Pet.* June 6.

GREGG, GEORGE, Currier & Leather Seller, Sheffield, and Wrath-upon-Dearne, Yorkshire. *Com.* West: June 30, & July 28, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Blackwell, 20, Norfolk-row, Sheffield. *Pet.* June 6.

HASTED, WILLIAM, Butcher, Alresford, Hants. *Com.* Goulburn: June 20, & July 23. at 1; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Brundrett, Randall, & Martin, Temple, London, or Thomas Waters, Winchester, Hants. *Pet.* June 5.

LORD, JOHN, SIDNEY AQUILA BUTTERWORTH, & HORATIO BUTTERWORTH, Dyers, Shelf, near Halifax, Yorkshire (J. Lord & Co.). *Com.* West: June 29, & July 27, at 11; Leeds. *Off. Ass.* Young. *Sols.* Wavell, Phillbrick, & Foster, Halifax, and Bond & Barwick, Leeds. *Pet.* May 17.

MCHAFFI, WILLIAM, jun., Merchant, 10, Austin-friars, London. *Com.* Holroyd: June 21, at 2, & July 24, at 12; Basinghall-street; *Off. Ass.* Edwards. *Sols.* J. & J. H. Linklater & Hackwood, 7, Walbrook, London. *Pet.* June 7.

MILNER, THOMAS WILLIAM, Surveyor & Builder, 18, Queen-street, Cheapside, London, and of Canterbury-grove, Lower Norwood, Surrey. *Com.* Evans: June 21, at 1; and July 19, at 12; Basinghall-street. *Off. Ass.* Bell. *Sols.* Hilyer & Fenwick, 2 & 3, Philpot-lane. *Pet.* June 7.

OLD, EDWARD HESELTINE, & JAMES FEARSON, Hat and Cap Manufacturers, Kingston-upon-Hull. *Com.* Ayrton: June 20, and July 18, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sol.* Summers, Kingston-upon-Hull. *Pet.* June 6.

PADMORE, GEORGE, jun., Shoe Manufacturer, Northampton. *Com.* Holroyd: June 19, at 2; and July 17, at 1.30; Basinghall-street. *Off. Ass.* Edwards. *Sols.* Loftus & Young, 10, New-inn, Strand, London, or Shoesmith, Northampton. *Pet.* June 5.

PALMER, THOMAS, Maltster and Beer-shop Keeper, Wellesbourne, Warwickshire. *Com.* Sanders: June 11, at 11. *Off. Ass.* Whitmore. *Sols.* Newsam, Warwick, or James and Knight, Birmingham. *Pet.* May 28.

WRIGHT, THOMAS EDWARD, Grocer & Oilman, 4 & 5, Belmont-place, Wandsworth-road, Surrey, *Com.* Fane: June 15, and July 20, at 1.30; Basinghall-street. *Off. Ass.* Whitmore. *Sol.* Eagleton, 84, Newgate-street, London. *Pet.* June 5.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *June* 5, 1860.

BALSHAW, WILLIAM, Cotton Manufacturer, Bolton, Lancashire, and also of Wigan. June 26, at 12; Manchester.—BRIGHT, HENRY SMITH, Merchant & Commission Agent, Kingston-upon-Hull (Taylor & Bright). —July 11, at 12; Kingston-upon-Hull.—EVANS, MAURICE, & JOHN WILLIAM HOARE, Export Wine & Bottled Beer Merchants, 29, Great St. Helens, London, and of Trinity-wharf, Rotherhithe, Surrey. June 26, at 11; Basinghall-street.—HOLLAND, THOMAS, Tobacco Broker, 35, Milner-square, Islington. June 26, at 11; Basinghall-street.—JACKSON, WILLIAM, sen., Soap Manufacturer & Tallow Chandler, Stepney and Church-lane, Kingston-upon-Hull. July 11, at 12; Kingston-upon-Hull.—JAMES, DAVID WILLIAM, Coal Merchant & Coke Manufacturer, now or late of Llwyncelyn Colliery, Llanwonno, Glamorganshire. July 5, at 11; Bristol.—VENABLES, GEORGE HENRY, Paper Maker, Clapton Mills, Beaconsfield. June 26, at 11.30; Basinghall-street.

FRIDAY, *June* 8, 1860.

BOOTH, GEORGE, Provision Merchant, 21, Holmes-terrace, Kentish-town, Middlesex. June 18, at 1, Basinghall-street.—COLVIN, ALEXANDER, WILLIAM AINSLIE, BAZETT DAVID COLVIN, THOMAS ANDERSON, & DANIEL AINSLIE, Merchants & East India Agents, Calcutta (Colvin & Company). June 29, at 1.30; Basinghall-street.—CORBETT, HUGH WOODNEY, and one JOHN CORBETT, Merchants, Liverpool. June 19, at 11; Liverpool.—EASON, THOMAS, Brewer, Milton next Sittingbourne, Kent. June 30, at 11; Basinghall-street. — HARRIS, WILLIAM, & WILLIAM WEST, Drapers, Kingston-upon-Hull (William Harris & Co.). July 11, at 12; Kingston-upon-Hull. Sep. est., William Harris; same time, sep. est., William West.—JONES, JOHN, Mantle Manufacturer, Lambeth-square, Surrey. June 20, at 11; Basinghall-street.—KNAPTON, WILLIAM, Iron & Brass Founder, York. June 29, at 11; Leeds.—M'ALPINE, JOHN, Ironmonger, 110, High-street, Cheltenham. July 5, at 11; Bristol.—NOBLE, GEORGE CHARLES, Builder & Beer Shop Keeper, Broad-lane, Northampton. June 20, at 1.30; Basinghall-street.—PERKINS, JOHN, Haberdasher & General Merchant, Oakham, Rutland. July 3, at 2.30; Basinghall-street.—SEELEY, MICHAEL SALMON, Confectioner & Biscuit Manufacturer, High-street, Lincoln. July 11, at 12; Kingston-upon-Hull.—SHAKESPEARE, THOMAS, Coach & Harness Furniture Manufacturer, Birmingham. July 5, at 11; Birmingham.—THORPE, WILLIAM JACOB, Painter, Plumber, & Glazier, Commercial-road, New Peckham, Surrey. June 30, at 1.30; Basinghall-street.—WELLDON, THOMAS, Grocer, Peterborough, Northampton. June 29, at 2; Basinghall-street.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *June* 5, 1860.

ALLEN, GEORGE, Grocer & Draper, Bardney, Lincolnshire. July 4, at 12; Kingston-upon-Hull.—CHATWIN, JOSEPH, Gas Fitting Manufacturer, Birmingham. June 28, at 11; Birmingham.—EVANS, JAMES, Cattle Dealer, Bristol. July 2, at 11; Bristol.—RIDSDALE, GEORGE, Surgeon, Apothecary, Chemist & Druggist, 1, Gower-place, Euston-square, Middlesex. June 27, at 1; Basinghall-street.

FRIDAY, *June* 8, 1860.

ANSELL, JANE, Spinster, Grocer & Draper, North Ockenden, Essex. June 30, at 12; Basinghall-street.— BACH, HENRY, Hosier, Sheffield. June 30, at 10; Sheffield.—CRICK, DANIEL BISHOP, Builder, Leicester. July 3, at 11.30; Nottingham.—MACALPINE, JOHN, Ironmonger, 110, High-street, Cheltenham. July 2, at 11; Bristol.—MERRIMAN, JAMES, Lace Manufacturer, Hyson Green, Nottinghamshire. July 3, at 11; Nottingham.—UNDERHILL, JOSEPH, Ironmonger, Plymouth, Devonshire. July 2, at 12.30; Plymouth.—WENHAM, JAMES, Watch Maker & Jeweller, Swaffham, Norfolk. June 30, at 11; Basinghall-street.—WILSON, ANDREW, Surgeon & Apothecary, High-street, Aldershot, Hants. June 29, at 12.30; Basinghall-street.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *June* 5, 1860.

BALL, JOSEPH CHARLES, Miller, Salisbury. May 31, 2nd class.—BEVAN, RICHARD, Wine Merchant, Liverpool. May 30, 2nd class.—GOLDSMITH, KEMP, Miller, Sutton, Ely. May 29, 2nd class.—HEATHER, JAMES, Builder, Walton-road, East Moulsey, Surrey. May 29, 2nd class.—HOBBS, HENRY, Common Brewer, & Agent for the Sale of Wine on Commission. May 30, 2nd class.—MILLAR, RICHARD, jun., & EDWARD LAMBURN MUNNS, Wholesale & Export Oilmen, 10, Primrose-street, Bishopsgate, London. May 24, 2nd class.—STYLES, JOHN, Waterman, Lighterman, & Coal Merchant, Putney, Surrey. May 29, 2nd class.—WATTS, HENRY, Draper, Parade, Northampton. May 30, 2nd class.

FRIDAY, *June* 8, 1860.

BEATY, JOHN, Draper, Longtown, Cumberland. June 5, 3rd class.—BEDDOE, SAMUEL, sen., Rope Manufacturer, Horsley Heath, Tipton, Staffordshire, and of Black Lake, West Bromwich. June 1, 2nd class.—ELTOFT, GEORGE, Draper & Outfitter, Bradford. June 4, 3rd class.—GRAVES, JOHN WILLIAM, Chemist & Druggist, Birkenhead, Chester. May 30, 2nd class.—HARRIS, JOHN, Innkeeper, Littledeans Hill, Lea Bailly, Gloucestershire.—June 4, 2nd class.—NICHOLSON, THOMAS, jun., & ISAIAH BIRT NICHOLSON, Coal & Slate Merchants, Gloucester. June 4, 1st class.—READ, GEORGE, Cattle Dealer, Portsmouth. June 1, 2nd class.—ROBINS, WILLIAM, Carpenter & Builder, 92, St. John-street, St. Sepulchre's, Middlesex. May 28, 3rd class; after six months suspension.—ROTHWELL, WILLIAM, Boarding-house Keeper & Schoolmaster, Enfield Highway, Middlesex. June 2, 2nd class.—TIDBURY, CHARLES HOLLINGSWORTH, Wharfinger & Artificial Manure Manufacturer, Lavender Dock-wharf, Surrey, and of 11, Gt. James-street, Bedford-row, Middlesex. June 1, 1st class.

Scotch Sequestrations.

TUESDAY, *June* 5, 1860.

CLARK, JOHN, Ham Curer & Wholesale Provision Merchant, 17 and 19, Wilson-street, Glasgow, carrying on business there under the firm of Gibb & Clark, Ham Curers and Wholesale Provision Merchants. June 12, at 12; Faculty-hall, St. George's-place, Glasgow. *Seq.* May 31.

FERGUSON, JOHN, Ship Carpenter, Boat Builder, & Joiner, Elliot-street, Glasgow. June 12, at 12; Faculty-hall, St. George's-place, Glasgow. *Seq.* June 1.

LAING, WILLIAM, Innkeeper & Stabler, Milnathort, Kinross, sometime Farmer, residing at Damhead, Fifeshire. June 8, at 12; Salutation-Inn, Kinross. *Seq.* May 31.

MILNE, WILLIAM, Grocer, Queen-street, Aberdeen. June 12, at 12; Lemon Tree-hotel, Aberdeen. *Seq.* May 31.

GUTHRIE, JAMES, Wright, Glasgow. June 12, at 12; Faculty-hall, St. George's-place, Glasgow. *Seq.* May 31.

FRIDAY, *June* 8, 1860.

CAMERON, JAMES, Messenger-at-Arms, and Tenant of the Farm of Lower Muckovie, near Inverness. June 19, at 1; Caledonian Hotel, Inverness. *Seq.* June 5.

LOCKHART, MILES, Quarry Master, Ardahiel, Argyle. June 11, at 2; George Hotel, Inverary. *Seq.* June 2.

MACBEAN, LEWIS, Grocer & Candle Maker, Inverness. June 18, at 12; Union Hotel, Inverness. *Seq.* June 5.

We cannot notice any communication unless accompanied by the name and address of the writer.

*** *Any error or delay occurring in the transmission of this Journal should be immediately communicated to the Publisher.*

THE SOLICITORS' JOURNAL.

LONDON, JUNE 16, 1860.

CURRENT TOPICS.

We believe that the Report of her Majesty's Commissioners for Inquiring into the mode of Taking Evidence in Chancery, and its effects, has been signed by the commissioners, and will very shortly be presented to the Queen.

It will, no doubt, be in the recollection of our readers that the members of the Commission are the Lord Chancellor, Lord Lyndhurst, Lord Brougham, Lord Cranworth, Lord St. Leonards, Lord Wensleydale, Lord Chelmsford, Lord Kingsdown, the Master of the Rolls, the Lord Justice Knight Bruce, the Lord Justice Turner, the Vice-Chancellor Sir W. Page Wood, the Attorney-General, Sir Hugh Cairns, Q.C., G. M. Giffard, Esq., Q.C., W. Strickland Cookson, Esq., and George Tallentire Gibson, Esq.

We are informed that the Commissioners have expressed a decided opinion that the present mode of taking evidence in Chancery is in many cases unsatisfactory, and requires to be changed, and that it is desirable that facilities should be afforded for the trial of material facts contested between the parties upon *vivâ voce* evidence to be given before the judge who is to decide upon them, or before a jury.

The Commissioners, we believe, recommend that evidence as to facts or specified issues shall be given *vivâ voce;* but that unless such a proceeding is required by any party, each party may support his case by evidence in chief, adduced on affidavit, according to the present practice; that when a party has filed an affidavit in support of his case, any opposing party may upon notice require the production, for cross examination at the hearing, of the deponent; that any party in a cause may compel the attendance at the hearing of any person whom he may desire to produce as a witness as at *nisi prius;* that at the hearing the *vivâ voce* examination and cross-examination of witnesses shall be had in the presence of the judge, and affidavits shall be received at the hearing of such facts and documents only as the judge shall consider not to be included in the terms of such notice; that the Court at the hearing or at any rehearing may require any witness who has made an affidavit to attend to be orally examined; that in case of a rehearing or appeal, the judge's notes shall *prima facie* be taken to be evidence; that where both parties shall agree in desiring that the trial should be had before the court, with the assistance of a jury, or before a judge at *nisi prius*, they shall be at liberty to apply to the court, as soon as the cause is set down for hearing, to order such trial; and that wherever notice requiring *viva voce* examination shall have been given by any party the court shall determine at the hearing, whether in the circumstances of the case, it was reasonable and proper to give such notice, and shall dispose of the costs occasioned by it. As soon as the report is presented to Parliament, we hope to be able to publish it without delay.

We believe that a Bill has been prepared to carry these suggestions into effect.

It is said that the Lord Chancellor, on the application of Mr. Bacon, Q.C., the Treasurer of the Inns of Court Volunteer Rifle Corps, has signified his intention of making Saturday next, the 23rd instant, a holiday in the Chancery Courts and offices, for the purpose of enabling persons connected with the profession who are members of Volunteer Corps to attend the review of the Metropolitan Corps in Hyde Park.

We understand that it has been decided by some members of the Chancery Inner Bar to withdraw their adhesion to the rule of confining their practice to one court only; and that they purpose reverting to the old custom of practising indiscriminately in the various branches of the Court. Some time ago we called attention to this subject, being fully convinced at the time that some such movement as that which has taken place was inevitable, unless the comparative recent regulation of Queen's Counsel confining their practice to a single court was more stringently adhered to than it has been during the past year or two.

A Parliamentary Paper containing proposals from Mr. Bigg for a new edition of the statute book has been printed. We have already given our readers an account of his plan for working out a reformation of the statutes. The paper also contains a proposal for the consolidation of the statutes made through Mr. Ayrton, M.P., on behalf of some members of the Bar.

THE *WESTMINSTER PALACE HOTEL COMPANY'S* CASE.

If any layman or lawyer thinks it is an easy matter to draw up articles of association for a limited company, the case of the *Westminster Palace Hotel Company* may convey a useful warning. A clause in the articles of that association has furnished matter for two complete arguments, and has produced a difference of opinion between the judges who had ultimately to decide upon the effect of it. As Lord Justice Knight Bruce remarked, little did the author of those words imagine the criticism to which they would become exposed. It is probable that the attempt which so nearly succeeded in this case will be made in others. Notwithstanding the professed desire of the judges to avoid extending the jurisdiction of the Court of Chancery, dissatisfied minorities of shareholders will be constantly trying to obtain injunctions to control the action of majorities; and thus the question will perpetually arise, whether certain proceedings are or are not within the purposes of the company, as described in the articles of association. In order therefore to avoid litigation during the operations of such companies, it will be necessary to obtain the best legal assistance at their formation. Thus the moral of the above-mentioned case appears to be the very old, but oft-forgotten one—that the best way to escape lawsuits is to employ lawyers.

We believe that the Westminster Palace Hotel Company originated in admiration of the success of the hotel which has been built at Paddington adjoining the Great Western Railway station, and which is owned by a partnership or company, including, or consisting of, the officials of the railway. The success of this hotel is, perhaps, partly due to the absence of litigation among the proprietors. They are reputed to divide 25 or 30 per cent. profits, and the Westminster Palace Hotel, which was to be much larger, could not fail, according to the calculations, to be at least as lucrative. Theoretically, the largest hotel gives the highest profit, just as the biggest ship gives the greatest speed; but, practically, grand conceptions do not always ensure good dividends. The directors and the majority of the shareholders of the Palace Hotel Company, inclined to a safe and moderate course. They proposed to let about half of their premises to the India Board, which is preparing to migrate westwards, and to try, at first, the experiment of hotel-keeping in the other half. If, after a few years, the business was found as profitable as had been

represented, the India Board might be requested to withdraw, and the whole of the premises would become applicable to the purpose for which they were designed. But the minority of the shareholders wished to go for 30 per cent. or nothing. They scorned the cautious policy of the directors, and demanded for the company an immediate and splendid triumph, or a speedy end to its existence in the Court of Bankruptcy. It was a contest between caution and speculative audacity—a contest which, we apprehend, must always arise, more or less, in the management of every joint-stock company. If, whenever it arises, the Court of Chancery is to be invoked to settle it, we may safely prophesy for that Court a large increase of business.

But of course, in any such case, the judge would be careful to point out that the only question before the Court was as to the extent of the powers of the company. This question, however, almost inevitably raises many others. Thus, in the case before us, what is "the usual business of an hotel and tavern?" What things are "incidental or otherwise conducive" to the attainment of the objects of the association? Lord Justice Turner rather anxiously repudiated the notion that the Court could be called upon to consider whether any particular step in the management of a company was prudent; but if the question be, whether the same step be "incidental" or "conducive" to the objects of the association—that is, we should suppose, "incidental" or "conducive" in the judgment of prudent men—the Court comes to find itself doing very nearly that which one of its judges has said it could not do. Is it, for example, "incidental" to the business of an hotel to keep an omnibus to ply to and from a railway station? Many hotels keep such omnibuses; and therefore, perhaps, the keeping of one is "incidental" to the business of an hotel. But would it be "conducive" to the objects of the association to which the hotel belonged—that is, to the earning of a dividend upon capital; or, in other words, would it be prudent in the managers of the hotel to keep an omnibus? Again, is it "conducive" to the objects of the association to let half of the hotel to a public board for five years? The dissentient minority say they want to open the whole of the hotel immediately, and therefore it is not "conducive" to the objects contemplated by them that the company should let-off half of it for a term. It is answered that an attempt on too grand a scale may lead to entire failure—that the objects of the association will be best attained by cautious progress, and by making sure of a moderate profit without delay or risk; and therefore that it is prudent and "conducive" to the aforesaid objects to let to the India Board. The judgment of Vice-Chancellor Wood, from whom the appeal went to the Lords Justices, really proceeded on this very ground, which one of their lordships thought the Court could not properly act upon, viz., that the letting half the building was a prudent step. It was a step which the directors, acting in good faith and as discreet men, might take, as being, in their judgment, "conducive" to the success of the undertaking. Of course the Vice-Chancellor did not say that he thought the step prudent, but that it was a step which honest and experienced persons might think prudent; and this is nearly the same thing under another form. In fact, Sir W. P. Wood entered pretty fully into that sort of considerations which are likely to be abundantly suggested in other similar cases, and which promise, if pursued, to lead the Court very far a-field. But it is difficult to see where to draw the line, and certainly the judgments of the Lords Justices do not supply any great help in drawing it. They did, however, indicate their perception of the difficulties which await the Court, more clearly than the Vice Chancellors did. They endeavoured to confine themselves strictly within the letter of the articles of association, and as the clause in question was very brief and general in its terms, it was perfectly easy, and perhaps natural, to arrive at opposite conclusions. Both the learned judges agreed that a portion of the building might be let for some short time for purposes foreign to the business of an hotel. But might such a letting take place for three or five years? Lord Justice Knight Bruce would have thought it unquestionably justifiable for twelve or fifteen months; and as the articles did not expressly forbid the postponement of the use of part of the building for hotel purposes, he thought such letting justifiable for three or five years. On the other hand, Lord Justice Turner thought that this letting to the Board might interfere with the ultimate intention of the building, or, we may say, in other words, might postpone the employment of the whole building for hotel purposes; and therefore he held the letting unjustifiable. He therefore thought the partial postponement of the opening of the hotel forbidden, because it was not expressly authorised; while his colleague thought the same thing authorised, because it was not expressly forbidden. It is not surprising that differences of opinion should arise between judges who endeavour to keep strictly within the letter of a brief and obscure clause, and it is certain that there would be even more differences among those who should try to decide upon the spirit of it. The case is well worthy of the consideration of the House of Lords; but, pending the appeal, perhaps the lease will be granted by the directors to the India Board, and, when once executed, will—if there be be one—be irrevocable; so that the necessary delay in obtaining the judgment of the highest court would practically amount to a decision against the plaintiff.

Upon the question which occupied the greater part of the time of both Courts, it is difficult to entertain much doubt. Surely it is not the ordinary business of an hotel and tavern to let half of it for a term of years to a public office consisting of two or three hundred clerks, even if the head of the office should covenant not to allow refreshments to be introduced except from the hotel bar and kitchen. It was urged that the clerks might be induced to dine at the hotel after office hours, and that Indian princes and other persons having business with the Board, might be tempted to take up their abode in the Hotel for the more efficient prosecution of those steady solicitations which are necessary to get affairs transacted with a public office. And witnesses were produced who pretended to find examples of the same character within their own experience as hotel and tavern keepers. But when the instance was mentioned of the Junior United Service Club, it was obvious to remark that the profit to be derived from such tenants would be, beyond comparison, larger than that obtainable from a body of clerks attending for six hours daily; because the consuming powers of the members of the club would be much more frequently and fully exercised. And, besides, the charges to the clerks were to be regulated by what was called "the Treasury tariff." This part of the case deserves attention chiefly as an encouraging example of how much may be found to say on the wrong side of a very simple and clear question, if only sufficient inducements are supplied for the exercise of forensic subtlety. But the more general question is one of great difficulty, and we should expect that before long it will re-appear in some other case.

THE CASE OF *SWINFEN* v. *LORD CHELMSFORD*.

The Court of Exchequer has at length delivered judgment on this long litigated case. In time to come the decision will be interesting mainly as a record of the opinion of that Court as to the obligation imposed upon counsel by the acceptance of a retainer in a cause, and as to the extent of his authority in the conduct and management of it in court. The judgment in question, although very elaborate and minute, can hardly be considered altogether satisfactory. On the hearing

before a jury, the Lord Chief Baron laid down the rule, that the law required of a barrister no more than the honest discharge of his duty to the best of his judgment; that if his intentions were honest, and he *bonâ fide* intended what he did to be for the benefit of his client, he was not responsible in damages to his client for anything that he had done; and that an advocate was not bound to do more than give his best advice and consideration, and to conduct the case while in his hands in such a manner as he honestly thought would be for the benefit of his client. In the judgment now under consideration, we are further informed that there is no instance of any action being successfully brought against a barrister for neglect of duty; that on the other hand, there are instances where such an action has been successfully resisted; and that the conduct and control of a cause are necessarily left to counsel. Such propositions as these, if viewed solely in relation to the issue involved between Mrs. Swinfen and Lord Chelmsford, may be safely enunciated without qualification. But there appears to be some risk in accepting them in too absolute a manner. The attempt to make counsel liable in damages for a breach of duty is one thing, and the power of counsel to bind clients by compromising their claims against their will, and in opposition to their positive instructions, is another. Mrs. Swinfen's case, in the result, has shown that while the client may not be bound by compromise which counsel had no authority to make, counsel may make an unauthorised compromise without being exposed to an action in damages. "If," says the judgment of the Court of Exchequer, "the act of compromise was a nullity, the rights of the plaintiff remain the same, and are uninjured. But then it is said that she has been put to expenses, and incurred costs, in resisting attempts to enforce the agreement of compromise in the Common Pleas and in Chancery; but it is a general rule of law, that to subject a person to law proceedings without malice gives no cause of action." It seems clearly enough, however, to have been the judgment of the Court that the barrister, under such circumstances, must act with perfect good faith, and with the single view to the interest of his client. But it also appears beyond doubt, upon the face of the judgment that, assuming him so to act, he may insist upon the compromise of a suit against the will, and even to the damage (as the result may prove), of his own client. The effect of the decision is thus to make a barrister who is authorised to appear in a suit, absolute *dominus litis;* with this curious qualification, however, that although he can deal conclusively with the suit itself, he cannot do so with its subject matter. The subject of the suit may, therefore, be at the same time *res judicata* and not so, which is rather an illogical conclusion.

In the arguments, moreover, upon this interesting case, although much has been said as to the obligation of a counsel to obey the positive instructions of his client, and the consequent right of Mrs. Swinfen to receive compensation in damages for the loss which she had sustained by her counsel's alleged breach of duty, nothing appears to have been said about the position and the rights of the opposite party. It is clear that if counsel possess an irrevocable power to stay a suit by agreeing to a compromise which, after all, is not binding upon his own client, such power may, upon occasion, be made the means of great injustice to the other side. This may be sometimes done with effect even where counsel act with perfect good faith. Nothing would be easier than for a client, without committing himself, to make use of his counsel for such a purpose, when the trial of a cause appeared to be about to come off under circumstances peculiarly favourable to the opposing litigant. It is evident that such compromises may be made, according to the now well-defined rule of law upon the subject, an engine of fraud.

Having recently* discussed the power of an attorney to bind his client in a suit, by a compromise of it, we shall not again travel over the same ground here. In the most recent case upon the subject† both Lord Campbell and the present Chief Justice of the Queen's Bench express themselves to the effect that an attorney, acting under a general retainer, has power to compromise the action in which he is retained, without communicating with his client. However, when the case of *Swinfen* v. *Swinfen* was in the Rolls Court, Sir John Romilly, M.R., was of opinion that an ordinary retainer to conduct a suit implies no general authority to effect a compromise.

The result of all the authorities upon the subject now under consideration, as it relates both to barristers and attorneys, is to suggest in every case of an attempt at compromising a suit, the advisableness of each side satisfying itself that the client upon the other side is, by his actual knowledge and consent, concluded and bound not only as to the suit itself, but also as to the subject matter in litigation.

LAW AND EQUITY BILL.

MEMORIAL OF THE COMMON LAW COMMISSIONERS RESPECTING THIS BILL.

In reply to the following letter of the Lord Chancellor, enclosing the "observations" of the equity judges on the Law and Equity Bill, a communication from the Common Law Commissioners has been presented to Parliament by her Majesty.

House of Lords, 24th April, 1860.

My lord,—I have the honour to submit to you a copy of a memorial from the Master of the Rolls and the three Vice-Chancellors upon a Bill framed with a view to carry into effect the last report of the Common Law Commission presided over by your lordship. I respectfully beg that this memorial may be considered by your lordship and the other commissioners, and that you would have the goodness to inform me how far you concur in its reasoning.

I ought to add, that as this memorial was laid before the House of Lords, I propose (with your permission) to lay before the House of Lords any observations you may be pleased to offer in answer to it.—I have, &c., CAMPBELL, C.

The Right Hon. the Lord Chief Justice Cockburn,
&c &c. &c.

The Common Law Commissioners' communication is as follows:—

18th May, 1860.

My lord,—Our attention having been called by your lordship to the objections urged in the memorial of the equity judges against the Bill introduced into the Legislature on the recommendations contained in our last report, with a view to our offering such answer as our acquaintance with the subject might suggest, we beg to submit the following observations in reply.

We must begin by premising that the scope and effect of the alterations proposed in the jurisdiction of the common law courts has been greatly misconcevied, while the objectors appear to have lost sight of the extent to which equitable jurisdiction has already been conferred on these courts, as well as of the great improvements which have been introduced in modern times into their procedure.

In the sweeping criticisms with which our recommendations have been assailed the proposal to confer further equitable jurisdiction on the courts of common law has been treated as a scheme of innovation and demolition, now first propounded, and the incompetency of the common law judges and the inadequacy of their procedure to deal with equitable rights has been taken for granted and unhesitatingly asserted, as though equitable jurisdiction had never before been conferred upon or exercised by the legal tribunals of the country.

We shall have no difficulty in showing that, with a single, and that a very unimportant, exception, in no instance is it proposed to enlarge the equitable jurisdiction of the common law courts, except where this jurisdiction already to some extent exists, and where the competency of these courts and of their procedure to administer it has already been established by practical experience.

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* 3 S. J. 813, 826, and 837.

† *Fray* v. *Voules*, 7. W. R. Q. B. 446.

It may not be inexpedient to pause for a moment to take a brief survey of what has already been done in this respect.

The rigid simplicity of the ancient common law and its strict and inflexible procedure having proved inadequate to meet the exigencies of a state of society becoming every day more complicated and refined, and the Legislature omitting to intervene to bring the law into harmony with the more liberal principles of rational and enlightened justice, courts of equity stepped in to supply the place of legislation, by the application of a rude yet not wholly inefficacious remedy—partly in eking out the defectiveness of the common law procedure, partly in mitigating the rigour of the law where an adherence to its letter would have worked injustice—not, indeed, by attempting directly to control the action of the legal tribunals, an attempt which would at once have been resisted, but by coercing the suitors by means of personal duress to forego their legal rights, and to submit to have justice done between them on equitable principles.

Experience, however, soon made men sensible that the benefits of this equitable jurisdiction were greatly diminished by the drawbacks of double tribunals and a twofold litigation, attended by a vast increase of expense. Hence, from time to time, during the last century and a half, according as particular inconveniences successively forced themselves on the attention of the Legislature, portions of the jurisdiction at first exercised only by the courts of equity have been transferred by statute to the courts of common law.

The power to relieve against the penalty of bonds conditioned on a defeasance, to relieve up to the time of trial against actions of ejectment on forfeiture for non-payment of rent, to relieve mortgagors in actions on mortgage bonds or actions of ejectment, on payment of the principal and interest, and the important process of interpleader, are examples of this transfer of jurisdiction.

To these instances of encroachment on the domain of courts of equity must be added the transfer, in our own time, of the whole of that extensive and important jurisdiction which was known under the name of "auxiliary equity." The powers included under this head being wanting in the original procedure of the common law, courts of equity, as has already been observed, took upon themselves to make good the deficiency. Better this, no doubt, than that such powers should nowhere be found for the protection of right; yet so great the evil that a Court in which a suit was pending should not have the means of doing justice between the litigants; so great the hardship of being compelled to resort to a second Court to supply the defects in the procedure of the first; so serious the harassment, and, above all, the expense of the double proceeding, that the remedy was often more grievous than the absence of redress; and parties, especially of the poorer sort, more particularly where the matter in dispute was not of large amount, preferred to submit to injustice rather than have recourse to a remedy oftentimes far worse than the mischief to be cured. When, therefore, the Common Law Commissioners recommended the transfer of these powers to the courts of law, Parliament at once saw the propriety of the suggestion, and gave effect to it by legislative enactment. Yet the same argument might have been urged then which is resorted to now. The powers which it was proposed to confer on the common law courts were powers which the courts of equity for many generations had exclusively exercised, according to principles and rules with which, so far as their practical application was concerned, the common law judges could not be expected to be familiar. Yet these powers have now been extensively exercised by the common law courts to the infinite advantage of the suitors. The judges have had no difficulty in familiarizing themselves with the principles and rules established by the practice of equity in this department; and the machinery of the common law has proved itself abundantly adequate to the exigency of the occasion.

It may safely be asserted that, owing to the increased facility and diminished cost of the present mode of proceeding, for every instance in which resort was had to a court of equity under the old system, hundreds of instances now occur in which the corresponding powers of the common law courts are called into action, and are found fully effective for the purpose.

The innovation introduced by the Legislature into the established jurisdiction of the different branches of our judicature did not, however, end here; and assuredly a further and a great change was imperatively called for.

The existence of two conflicting systems of law, recognizing inconsistent and incompatible rights, the one called common law, the other equity, administered by two distinct sets of tribunals, each refusing to give effect to rights which would be enforced by the other, is not only an anomaly in jurisprudence, but has been found to be attended with practical inconvenience and mischief of the most serious character. That a plaintiff, who has brought his action in a court of law, the only court to which he could resort, should be liable to have his action suspended, or the fruits of the judgment he may have obtained withheld, while he is compelled to follow his opponent to a different tribunal on an allegation of equity; or, still worse, that a defendant, sued in a court of law, and having a valid defence on equitable grounds, though none at law, should be under the necessity, instead of at once setting up such equitable defence as an answer to the action, to resort to another court, and there initiate a new and costly proceeding, at an expense in many instances immeasurably disproportioned to the value of the matter of the dispute, was a judicial grievance and abuse, which neither time nor authority could sanction, and which, as soon as the work of legal reform was undertaken in a large and earnest spirit, neither prejudice nor interest could defend, so far as to resist some modification of the evil.

When, therefore, in our second report, we had gone the length of recommending that jurisdiction should be given to the courts of law to entertain considerations of equity when arising incidentally in an action at law, the legislature, although it did not see fit to give full effect to our suggestions in respect of equitable jurisdiction, yet took the very important step of enacting that equitable defences might henceforth be pleaded in an action.

Here, again, it may be observed that almost all the arguments which are now urged against the extension of jurisdiction at present proposed, would have been equally applicable to the change then introduced. The best answer to them is, we think, to be found in the practical experience of the working of this equitable jurisdiction, which has been exercised by the common law courts for now six years. It is from our experience of the usefulness of this jurisdiction, so far as it extends, from our persuasion that its only defectiveness arises from its not being sufficiently extensive, as well as from our conviction that, if the jurisdiction were enlarged, the courts of common law possess ample machinery for working it out, that we have been led to urge the expediency of extending the sphere of equitable defences in actions at law.

It will be convenient to divide the subject of the equitable jurisdiction proposed to be conferred by the Bill into two branches: 1. where the jurisdiction proposed to be enlarged or conferred arises on an action pending; 2. where it is to be exercised independently of an action.

EQUITABLE DEFENCES.

In the first branch equitable defences occupy the most prominent place. Equitable defences being now admissible in an action, a class of cases has arisen in which, although the defendants were desirous of pleading equitable pleas, a practical difficulty presented itself from the equity being conditional on something to be done *in futuro*, or on a contingency. Such a plea a court of law could not, in the exercise of its discretion, allow to be pleaded; inasmuch as the plea once found for the defendant would be a bar in all time to come to the plaintiff's right, while the Court would have no power to compel the performance of the condition on which the equity arose. Now, it is plain that, if this difficulty can be removed, the same reason exists for permitting an equitable plea of this nature to be made available in an action as exists where the equity is unconditional and complete.

If the condition had been performed, we have the sanction of the Legislature for saying that the equitable plea should be allowed. If the performance of the condition can be ensured, there can be no conceivable reason why the defendant, who is willing to perform the condition in order to obtain the benefit of the equity which would so result to him, should be driven to a court of equity to establish his defence. Of course, this is said on the assumption that a court of common law would be able, from the competency of its judges and its officers, to ensure the due and effectual performance of the condition. To doubt of this would be, as it seems to us, to doubt of their competency to administer the law at all; and we cannot bring ourselves to suppose that any serious resistance can be offered to the proposed amendment on this ground. It seems to us to follow from what has been said, that conditional equity be made available as a defence in an action at law, just as unconditional equity already is. Whether this should be done by an application for relief to the court in which the action is pending (as proposed by the Bill) or by allowing such an equitable defence to be pleaded, and giving the Court power, if the plea should be found for the defendant, to enforce the performance of the

condition, on the application of the plaintiff, may be open to consideration.

INTERPLEADER.

The next instance in which it is proposed to give jurisdiction in respect of equitable matter is the case of interpleader. It is of everyday occurrence that, money or goods being in the hands of persons not claiming beneficial interest therein, or goods being seized by sheriffs in executing the process of the courts, adverse claims are set up whereby persons thus circumstanced are placed in an embarrassing position and are exposed to be harassed by actions, and subjected to eventual loss. It is plain that persons so circumstanced ought, in justice, to be relieved, on actions being brought against them, by the parties claiming the beneficial interest being put to fight out their claims. Formerly this relief could only be obtained by interpleader bill in equity, a proceeding which, as the statute of 1 & 2 Will. 4, c. 58, recites, was "attended with expense and delay."

By this statute interpleader jurisdiction was given by the courts of law. But this jurisdiction does not attach where the *jus tertii* set up is founded on equitable right. This jurisdiction it is now proposed to give. It cannot be contested that an innocent party, thus placed between two fires, ought equally to be relieved in the case of equitable as of legal claims. The expense and delay to the party against whom the adverse claim is set up by the institution of fresh proceedings in equity is, of course, equally great. The action is already in the Court of Common Law, and the reasons against the double litigation apply as strongly in this as in other instances. The object ought obviously to be to place the case on such a footing that the action shall become one between the parties really interested. Now, if the action were between the real parties, as, for instance, between an execution creditor (on a seizure of goods by the sheriff) and a party setting up an adverse claim, instead of between the claimant and the sheriff, an equitable right of the claimant would be available to him against the plaintiff under an equitable plea without recourse to a court of equity. But if, in an ordinary action of trover between A. and B., any equitable rights of the defendant as an answer to the action would be cognisable by the Court, it seems difficult to understand why, when it is sought to bring A. and B. into their proper position as litigants, at the instance of a party entitled to interpleader relief, the equitable nature of B.'s interest, which would be cognisable by the Court if A. and B. were once before it as plaintiff and defendant, should be a reason for withholding from the Court the power of granting such relief, and for putting the parties concerned to the vexation and expense of a fresh suit before another tribunal. In addition to which, another and a very cogent reason for extending the process of interpleader to such cases is to be found in the fact that the setting up of adverse claims by third parties generally arises on the seizure of goods by sheriffs in execution on process from the common law courts. To these officers courts of equity, as was pointed out in our late report, have refused relief by interpleader, while on the other hand they are liable to hostile proceedings if they omit to take possession of property according to the exigency of the writ of execution.

FORFEITURE.

Next, as to the proposal to extend the jurisdiction first conferred on the common law courts by the Act 4 Geo. 2, c. 28, in an action of ejectment brought on a forfeiture for nonpayment of rent. By that statute the equitable power, previously exercised by courts of equity alone, of relieving the tenant on payment of the rent due, was given to the court in which the action is brought up to the time of trial. Relief may be obtained in equity for a further period of six months after execution; but to obtain the latter relief fresh proceedings in equity must be taken. The simpler course would surely be to allow the Court in which the action has been brought to afford relief to the same extent as a court of equity can afford it. The record is in the former court; the facts are before it; the application may be by motion on affidavit; the expense of a second suit in a different court, with a fresh statement of facts and perhaps fresh proofs, will be avoided. Nor can any possible ground be suggested, as far as we are aware, why the Court which is thought competent by the Legislature to give relief up to the time of trial should not be equally so after trial.

In like manner we cannot but think that the power conferred on a court of equity by the 22 & 23 Vict. c. 35, s. 4, to relieve against a forfeiture on a covenant to insure, where no loss has occurred, and the breach has been committed by accident or mistake, or otherwise without gross fraud or negligence—and a policy is, in fact, in existence, such as the covenant requires—might advantageously be extended to courts of common law, at all events when an action has been brought on the forfeiture. It must, we apprehend, be at once conceded that the questions involved are peculiarly within the province of a common law court; and there seems to be no conceivable reason why a second suit should be necessary to afford the defendant protection.

OMISSION TO PLEAD EQUITY.

We pass on to the important question, whether a party to an action who has once had the opportunity of pleading equitable matter, and who has not availed himself of it, shall be concluded by the omission—as he would have been by the omission to plead matter available at law if his case had rested on legal grounds—so as to preclude him from afterwards resorting to a court of equity to defeat the action.

The affirmative of this proposition appears to us to follow of necessity the moment equitable matter is permitted to be introduced at all into the action at law. The argument that a plaintiff who has necessarily commenced his suit in a court of law ought not, at the option of the other party, to be dragged before some other tribunal applies equally at whatsoever stage of the suit this anomaly arises. Indeed, the later the stage of the proceedings the greater and more grievous the hardship; inasmuch as, if the equitable right should eventually prevail over the legal, all the expense of the action which may perhaps have involved a trial at Nisi Prius, and may have proceeded even to judgment and execution, will have been entirely thrown away. Added to which, it seems repugnant to justice that a party shall be thus permitted to fight out his cause with his adversary on one stage, and having there taken his chance of success, shall be at liberty, when defeated, to renew the conflict on a different ground, which, if rightly taken at first, would have prevented the prolongation of the original contest; while, i the equitable ground be wrongly taken at such later stage, the effect is necessarily to delay the party who has succeeded in the contest at law from reaping the benefit of the decision in his favour.

It is unnecessary to dwell on the various grounds on which the salutary rule is based, that in judicial proceedings litigant parties must put forward their respective cases, whether of attack or defence, at the proper stages of the suit, or be concluded by their omissions; as well as that judgment once pronounced in the last instance shall be final and conclusive. They may be summed up in a word: without this rule litigation would be interminable, nor could rights ever be definitively ascertained or securely established. It is obvious that this principle applies equally to the case of equitable as of legal defences; and it seems to us to follow that, if matter or equity is allowed to be pleaded in actions at law, and a court of common law is to have jurisdiction in respect of such matter at all, it should be obligatory on the party relying on equitable grounds to put them forward at the fitting time, just as it would be to bring forward matter of law; and that a party omitting to take his stand on equitable grounds which it was competent to him to bring forward in the action ought not to be allowed afterwards to harass his opponent by a renewal of the litigation by proceedings in a court of equity.

NEW TRIAL.

It is obvious that much of the foregoing reasoning applies to the bill in equity for a new trial, by which, after trial and judgment in a court of law, on the discovery of new matter, though amounting only to a defence at law, relief may be applied for in a court of equity after the expiration of the time within which a new trial could be applied for in the court in which the action has been brought. It seems to us plain that this is an inconsistency which ought to be removed. If the time limited in the court in which the action has been brought and the trial had, is too short, that time should be extended. But it seems a startling anomaly that when the Court in which the action has been properly brought has pronounced its final judgment, a second court, not having any appellate jurisdiction over the first, may take the cause in hand, try the whole matter over again, deprive the victorious suitor of the judgment he has obtained, and decide in favour of the opposite party.

The only objection to our recommendation in this respect, so far as we are aware, has been the denial of the existence of such a process. This, however, is a mistake. The proceeding has, as was stated in our third report, fallen into disuse, but there is nothing to prevent its being revived. The weapon may have been laid aside and may have grown rusty, but there is nothing to prevent its being again brought forth and made an

instrument of mischief. The forensic combatant will not have to search far or deep to find it. In two text books of the profession, namely, "Mitford on Equity Pleading" (p. 131) and "Story on Equity" (§§ 887, 888), the bill of new trial is treated of as an existing part of equity procedure, and its terms and conditions prescribed with considerable detail. The jurisdiction is treated as an existing one, nor is it suggested that, if again invoked, it must not be exercised. On reference to these authorities it will be seen that where a bill of review in respect of a suit in equity may be brought, the bill of new trial upon judgment in an action at law may be resorted to. Acting upon such authorities we deemed it our duty to direct attention to this conflict of jurisdiction, and to suggest the expediency of cutting off the possibility of its practical recurrence.

(To be continued.)

PRINTING ANSWERS IN CHANCERY.

[COMMUNICATED.]

I have been hoping that something will be done in reference to the inconvenience pointed out in your article of the 26th May last, as to printing answers in Chancery. There can be no doubt that the course of proceeding under the Orders is most circuitous and troublesome. First, we have the written answer for filing, and at the time of filing a fair copy of it, without the schedule, which is to be certified for the printer, next there is the printed copy which is to be filed in 4 days, with a certificate that such printed copy is a true copy of the *copy* of the answer so certified, and then there is the official and certified printed copy of the answer which the defendant, after the expiration of 4 days, and within 48 hours from demand in writing is to have ready for delivery to the plaintiff. Could any course of proceeding be more involved and troublesome? The delay to the plaintiff, while all this is going on, is very great. It is true, as pointed out in your article, that he can get an office copy of the schedules in two or three days, but he must wait five or six days before he can get an office copy of the body of the answer containing the statement explaining the schedules (the printed office copy not being obtainable till within 48 hours after the print of the answer is lodged, and this is to be lodged in 4 days from filing the answer); and such schedules are of little or no use without a copy of the answer.

The most unnecessary part of this machinery is, doubtless, the copy answer to be certified for the printer. The print of the answer may as well be made from any other copy of it, as from a certified copy. Such certified copy is utterly useless, when the answer has been printed, but, as pointed out by you, it might be made the office copy (being marked as such at the time of filing the answer) and might then be made of some service instead of being, as now, mere waste paper. The plaintiff would not then have to wait for his office copy five or six days. It would be ready for him, as you mention, the morning following the filing of the answer.

The fragmentary character of the office copy answer, it is obvious, must, in many cases, be a great inconvenience, and this is met by your suggestion that the defendant should be at liberty to file written or printed schedules, as may be most convenient.

It is proposed by you that the Clerk of Records and Writs should examine the proof of the print with the record of the answer filed, and certify the print to be a true copy of such *record* and not of the *certified copy*; this, I apprehend, is the business of the solicitor, and it would appear that such is your meaning, as you suggest previously that a fee for attending at the Record and Writ Clerk's office to examine the proof of the record of the answer, should be allowed.

It having been settled that answers shall be printed, it is very desirable that the alterations in the procedure to effect this object now suggested should be made as soon as practicable. I have reason to know that the great majority of the profession concur in opinion on this subject.

For myself, I have always been opposed to printing answers at all, and I have already expressed this opinion in your Journal. When it is considered that the only object which the printing can subserve is to secure a clear copy of the answer for counsel, it appears to be hardly worth while to go through so much form to secure so small an advantage, more especially as increased expense is entailed on the suitor, as will be seen by the following comparison of costs under the old and new system or an answer of sixty folios:—

OLD SYSTEM.	£	s.	d.
Engrossing answer	1	10	0
Parchment	0	10	0
Plaintiff's payment for office copy	1	0	0
Notice of filing	0	2	6
Plaintiff's perusing	1	0	0
Two briefs for the cause for plaintiff	2	0	0
Do. do. for defendant	2	0	0
	£8	2	6

NEW SYSTEM.	£	s.	d.
Engrossing answer for filing (on paper).....	1	0	0
Copy draft answer to be certified	1	0	0
Attending printer, instructing him	0	6	8
Examining and correcting proof	0	10	0
Attending at the Record Office with, and for the printed copy of the answer, and for certifying	0	13	4
Notice of filing.....	0	2	
Plaintiff's payment for office copy	1	0	
Stamp on same.....	0	5	
Paid printer's bill (taken from an actual account for printing 60 folios)..	4	11	
Plaintiff's perusing answer	1	0	0
	£10	8	6

I have taken the scale under the new system, on the supposition that a written answer is filed in the first instance, as it is the general practice to file a written answer first.

However, as we shall not probably get rid of the printing, it is desirable that the course of proceeding to effect the object should be rendered as simple as possible, and that the cumbrous machinery now in force should be amended without delay. J. H

The Courts, Appointments, Promotions, Vacancies, &c.

QUEEN'S BENCH.

(Sittings in Banco, before COCKBURN, L.C.J., and WIGHTMAN, CROMPTON, and BLACKBURN, JJ.)

The Queen v. *Herford*.—June 11.—The Court had granted a rule calling upon the coroner for the city of Manchester to show cause why a prohibition should not issue to prohibit him from further holding an inquest respecting the origin of a fire which had taken place in the shop and premises of Levy Kreigsfeld, Manchester. The rule came on to be argued on Saturday last, and on this day the Court gave judgment, when their lordships decided that the coroner had gone beyond the limits of his office in holding the inquest in question, and accordingly made the rule to issue a writ of prohibition absolute.

COMMON PLEAS.

(Sittings in Banco, before ERLE, L.C.J., and WILLIAMS, WILLES, and BYLES, JJ.)

M'Neil v. *Beaumont; Re Clarke and Carter, Attorneys.*—June 12.—A rule had been obtained calling on Messrs. Clarke & Carter, attorneys, of Moorgate-street, to show cause why they should not deliver up a bill of £105 to Mr. Beaumont, and also return the costs which they had obtained from him in issuing a writ against him on the bill, he having paid to them by his attorney the amount of the bill and costs, and been subsequently sued on the same by another party.

It appeared that the bill had never been in the hands of Messrs. Clarke & Carter, and when the amount of it was paid, their client M'Neil, instead of sending to them the bill, pressed by his creditors, had handed it over as security to one of his creditors, by whom Mr. Beaumont was again sued upon it three months after.

The LORD CHIEF JUSTICE said at the time the rule was moved for there were imputations cast, to say the least of them, disrespectful to Messrs. Clarke & Carter, as members of an honourable profession. He had attended most closely to the affidavits, and he found no ground whatever for imputing to them that disrespect. He believed that the whole transaction arose in consequence of their putting faith in their client, Mr. M'Neil. He, under pressure of his creditors, had broken faith with Messrs. Clarke & Carter, and had not sent them the bill sued upon when its amount had been paid. He saw no ground for thinking that payment had been retarded by them for the purpose of increasing costs; but the Court were of opinion that the payment of Clarke & Carter of the amount sued for in the action on the bill was clearly made on the faith that they would return the bill. He thought that while Messrs. Clarke and Carter had done perfectly right to accept the money for the bill

from Mr. Prior, Mr. Beaumont's attorney, who had paid the money to stop litigation, if Messrs. Clarke & Carter had held that money till their client M'Neil had sent them the bill, it would have put an end to the matter. But when, three months after, M'Neil was asked for the bill, he had pledged it to the Bank of Ireland to the extent of £60, and that sum Mr. Beaumont had had to pay. Messrs. Clarke & Carter ought to pay Mr. Beaumont the money he had so parted with; and, as to the rest, the rule must be discharged, without costs.

Rule discharged accordingly.

(Sittings in Banco, after Term, before ERLE, L.C.J., and WILLIAMS, WILLES, and BYLES, JJ.)

Philby v. *Hayle*.— June 13.— This was an action in which the plaintiff sought to recover £53 for money payable, and for work, business, and attendances done by the plaintiff for the defendant; to which the defendant pleaded that the work was done by the plaintiff as an attorney, for which he had never delivered his signed bill. At the trial a verdict was obtained for the amount claimed. A rule had been obtained calling on the plaintiff to show cause why the verdict should not be aside, and be entered for the defendant, on the ground that the bill delivered by the plaintiff was not a sufficient bill within the statute to enable him to maintain an action thereon.

It appeared that the plaintiff is an attorney carrying on business at Fenchurch-street, and the defendant is a builder and publican. The action was brought to recover £53 12*s.* for services rendered under an alleged agreement with the defendant. In the middle of May, 1858, the defendant and the plaintiff agreed together that the plaintiff should act on his behalf as his attorney in obtaining a license for a public-house which he had erected at Plaistow-marsh, West Ham, on the terms that if the plaintiff succeeded in getting him the license, he was to be paid £50 and his costs out of pocket, and if he failed, he was to charge only his costs out of pocket. The plaintiff appeared at the licensing sessions, and instructed counsel, and handed him a brief, and succeeded in obtaining the license. The present action was brought to recover the £50 and £3 12*s.* costs out of pocket.

For the plaintiff it was contended that much of what the plaintiff did was services not as an attorney at all, but for calling on different people to get them to support the application; and that the plaintiff was entitled to charge for these services which were not the subject of taxation by a master. For the defendant, it was contended that the defendant was entitled to have a bill rendered, and to have the bill taxed, and that such an agreement as that relied upon was illegal and void, under the Attorneys and Solicitors Act.

The COURT gave judgment for the defendant. The Attorneys and Solicitors Act required that a signed bill should be delivered in order that the client might, if he thought right, have the items taxed by a proper officer, and have the protection thus afforded to him. This agreement to do work for a lump sum was in contravention of that Act, and the Court, therefore, thought it void, and that it could not be sued upon. To hold otherwise would be to take away that protection from the client which the statute afforded to him, and to which he had a right. In the present case there was no bill for taxation. The work done was done by the plaintiff as an attorney, and, as he had not delivered a signed bill, according to the statute, he could not recover in this action. Judgment must be for the defendant.

EXCHEQUER.

(Sittings in Banco.)

Cross v. *Durrell*.—June 11.—Cause was shown against a rule to refer the taxation of the costs in the suit back to the master, on the ground that the expenses of the witnesses had been allowed in taxation before they had been received by them. The plaintiff's attorney, in his affidavit of increase, swore that he had caused the witnesses to be paid their expenses. It appeared by the affidavits that the plaintiff's attorney had stated that the master would not allow the witnesses their expenses unless they had been actually paid to them, and that subsequently the plaintiff had handed to his attorney some receipts signed by the witnesses for travelling expenses and subsistence-money, when in reality none had been paid. It also appeared that the witnesses were paid after the taxation.

The COURT said that the case must be referred back to the master, to ascertain what expenses of witnesses had been paid to them before the taxation, and to disallow all that had been paid to them since. If the Court did not adhere to a certain rule, and expenses were to be allowed now which had been paid after the allowance by the master on taxation, it would, in effect, be allowing a person after he had been found out to get all he could have originally obtained by behaving honestly. It might be that all that had been done in this case had been done without a corrupt intention. The attorney must pay the money before he can be allowed it on taxation.

Sittings at Nisi Prius, at Westminster, before the LORD CHIEF BARON and a Special Jury.)

Smith v. *Heaver*.—Mr. *Huddleston*, *Q.C.*, and Mr. *Giffard*, were counsel for the plaintiff. The defendant did not appear.

This was an action for libel, maliciously prosecuting, and false imprisonment.

The plaintiff, a highly respectable solicitor, of thirty years' standing, practising at the West-end, had been applied to by the defendant, in the year 1851, to ascertain at the Bank of England if there was any property standing in the names of persons whom she claimed to represent. The plaintiff having made inquiry, communicated to her, as was the fact, that there was no money. From that period the defendant commenced a series of annoyances, employing several attorneys to apply to the plaintiff, but who refused to go on after hearing what he had to say. In 1854 the defendant charged the plaintiff with having obtained the money from the Bank of England, and gave him into the custody of a policeman, when he was at once discharged. This was repeated in 1859. A bill of indictment was preferred at the Old Bailey and ignored, and subsequently she sent in a memorial to the Lords of the Treasury. The plaintiff's case showed that there was no pretence for the accusation, and the plaintiff said that the only object of the action was to prevent a repetition of these annoyances.

The LORD CHIEF BARON stated that no doubt the defendant was acting under a baseless delusion, and, although that might render her irresponsible upon a criminal charge, it did not relieve her in a case like the present.

The jury found a verdict for the plaintiff—damages £200, his lordship saying that it was best to be considered, when dealing with the plaintiff's character, that no sane person would make such an accusation against him.

INSOLVENT DEBTORS' COURT.

June 12.—In consequence of the serious illness of Mr. Commissioner Murphy, the Secretary of State has appointed Mr. Nichols, the senior barrister attending the court, to act as deputy to the Commissioner; and that learned gentleman accordingly took his seat, and, with the Chief Commissioner, disposed of the business pending before the Court.

At a meeting of the electors of the Downing Professorship, Cambridge, held at Lambeth Palace, on Wednesday, June 6th instant, William Lloyd Birkbeck, Esq., M.A., Barrister-at-Law, one of the readers at Lincoln's-inn, and formerly fellow of Trinity College, was elected Downing Professor, in the room of Andrew Amos, Esq.

Mr. Frederick Augustus Lewis, of No. 7, Trafalgar-place East, Hackney-road, Shoreditch, has been appointed a Commissioner for taking and swearing affidavits in the Court of Chancery of the county palatine of Lancaster, and in the Court of Session for the said county palatine.

The Queen has been pleased to grant unto Francis Dixon, of Nut-grove, within Sutton, in the county of Lancaster, gentleman, only son and heir of Richard Dixon, of Burnley, in the said county, her royal license and authority that he and his issue may, in compliance with a clause contained in the last will and testament of his maternal great uncle, Jonas Nuttall, late of Nutgrove aforesaid, Esq., deceased, take and henceforth use the surname of Nuttall, in addition to and after that of Dixon, and also bear the arms of Nuttall quarterly with those of Dixon.

Parliament and Legislation.

HOUSE OF LORDS.

Friday, June 8.

MALICIOUS INJURIES TO PROPERTY ACT (AMENDMENT).

Lord CHELMSFORD moved the second reading of this Bill. After a few observations from the Lord Chancellor the motion was agreed to.

SIR JOHN BARNARD'S ACT, &c. (REPEAL).

This Bill passed through committee.

Monday, June 11.

LAW AND EQUITY.

The LORD CHANCELLOR gave notice, that on Friday, the 22nd inst., he should move that this Bill be referred to a select committee.

MALICIOUS INJURIES TO PROPERTY ACT (AMENDMENT).

This Bill passed through committee.

PREVENTION OF CRUELTY TO ANIMALS.

This Bill was withdrawn.

SIR JOHN BARNARD'S ACT, &c. (REPEAL).

This Bill was read a third time and passed.

Tuesday, June 12.

PETITIONS OF RIGHT.

This Bill was read a third time and passed.

THE ECCLESIASTICAL COURTS JURISDICTION.

This Bill was also read a third time and passed.

MALICIOUS INJURIES TO PROPERTY ACT (AMENDMENT).

This Bill was also read a third time and passed.

HOUSE OF COMMONS.

Friday, June 8.

LAWS OF JERSEY.

In reply to Mr. Hadfield,

Sir G. C. LEWIS said that the report of the commission on this subject would be ready in a fortnight.

STIPENDIARY MAGISTRATES.

Mr. H. B. SHERIDAN obtained leave to bring in a Bill to enable cities, towns, and boroughs of 30,000 inhabitants and upwards, to appoint stipendiary magistrates.

Monday, June 11.

A petition was presented by Mr. GORE LANGTON, from the attorneys and solicitors of Bristol, praying that by the Bill to amend the law of property, now before Parliament, the provisions applicable to leases, contained in the 22 & 23 Vict. c. 35, may be extended to every description of grants and assurances; and another petition was presented by Mr. JOHN LOCKE, from Messrs. John Kennedy and Richard Barclay, certificated conveyancers, praying that the Attorneys, Solicitors, and Certificated Conveyancers Bill may enact that men of twenty years' experience in the legal profession may be at once admitted as attorneys upon payment of the proper stamp duties.

TITHE COMMUTATION.

In reply to Mr. S. ESTCOURT,

Sir G. C. LEWIS said the Bill consisted of two parts, one of which, based on the recommendation of the commissioners, was intended to afford facilities for the administration of the existing law. The House had been always disposed to regard with favour the operation of the Tithe Commutation Act, and would probably be disposed to agree to any clauses framed in a fair and equitable spirit, which were intended to diminish expense and to smooth away any technical obstructions. The other branch of the measure had had reference to tithe commutations, effected under local Acts or other separate arrangements, prior to the passing of the General Tithe Commutation Act, and could best be considered in committee.

The Bill was read a second time.

OFFENCES AGAINST THE PERSON.

The SOLICITOR-GENERAL moved the second reading of this Bill—one of a series of Bills which had passed the House of Lords,—and gave a history of the scheme of consolidation and amendment of the law embraced in the Bills (which assimilated the law of England and Ireland), and a sketch of the labours of those who had been employed in the endeavour to reform the criminal law.

Mr. WHITESIDE suggested certain amendments of the Bill for consideration in the committee.

Mr. COLLIER doubted whether the right mode had been hit upon. He was of opinion that the proper mode was to consolidate and expurgate the statute law, civil and criminal, as a whole; and that, under a Board whose sole attention was applied to the subject, it might be done in two or three years.

After some remarks by Mr. AYRTON, Mr. GEORGE, Mr. W. EWART, and Mr. M'MAHON,

The ATTORNEY-GENERAL, with reference to what had been suggested by Mr. Collier, said he hoped, before the session closed, to lay before the House a measure for expurgating the statute law, which would be a step to its consolidation and codification.

The Bill, after some further discussion, was read a second time.

MALICIOUS INJURIES TO PROPERTY.

COINAGE.

ACCESSORIES AND ABETTORS.

FORGERY.

LARCENY.

CRIMINAL STATUTES REPEAL.

These Bills were also read a second time.

Tuesday, June 12.

ELECTION COMMITTEES.

Mr. WARNER asked the First Lord of the Treasury whether it was intended to introduce any measure for amending the constitution or procedure of election committees.

Sir G. C. LEWIS said that the expediency of altering the constitution of election committees was considered at some length by the select committee appointed to inquire into the Corrupt Practices Act. They took a good deal of valuable evidence on the subject, and the result of their deliberation was, not to recommend any alteration of the constitution of election committees. The Government, therefore, were not prepared to bring in any Bill on the subject.

Wednesday, June 13.

THE LANDS CLAUSES CONSOLIDATION ACT, 1855 (AMENDMENT).

This Bill was read a second time.

THE FRIENDLY SOCIETIES ACT (AMENDMENT).

This Bill was also read a second time.

Thursday, June 14.

HUSBAND AND WIFE RELATION LAW AMENDMENT (SCOTLAND).

This Bill was read a second time.

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT.

This Bill was referred to a select committee, to be appointed by the committee of selection.

ROMAN CATHOLIC CHARITIES.

The House went into committee upon this Bill.

After some discussion the clauses were agreed to, upon the assurance of Sir G. LEWIS that the next stage should be taken at a period of the evening when a larger number of members, including the Attorney-General, was present.

NOTICES OF MOTION.

HOUSE OF LORDS.

Friday, June 22.

LAW AND EQUITY.

The LORD CHANCELLOR to move that the Bill be referred to a select committee.

HOUSE OF COMMONS.

Monday, June 18.

BANKRUPTCY AND INSOLVENCY.

Committee to meet.

HUSBAND AND WIFE RELATION LAW AMENDMENT.

Bill committed for this day.

JOINT STOCK COMPANIES.

Committee to meet.

DIVORCE COURT.

ADMIRALTY COURT JURISDICTION.

These Bills to be read a second time.

ROMAN CATHOLIC CHARITIES.

To be considered.

Thursday, June 21.

FORGERY.

LARCENY.

ACCESSORIES AND ABETTORS.

MALICIOUS INJURIES TO PROPERTY.

CRIMINAL STATUTES REPEAL.

OFFENCES AGAINST THE PERSON.

COINAGE OFFENCES.

The committees on these Bills deferred till this day.

PENDING MEASURES OF LEGISLATION.

EDUCATION.

Summary of the Bill to provide for the Education of Children employed in Manufactures or other regular Labour.

Recital of the Acts, 7 & 8 Vict. c. 15, and 8 & 9 Vict. c. 29.

1. After the 31st day of December, 1860, no child under twelve to be employed in any mine or colliery, or in any manufacturing process, or in any regular work or employment whatever, in which his whole time available for work appears to be engaged, without a certificate of being able to read and write, under penalty of twenty shillings.

2. For the purposes of this Act, the occupiers of the mine, colliery, factory, workshop, farmhouse, or other place where any child is employed shall be deemed the person employing such child.

3. Persons convicted exempted from penalty, on payment of costs, and giving undertaking that the child shall attend school at least twenty hours per month.

4. Employer to obtain monthly certificates of school attendance.

5. That any person employing or about to employ any child under the age of twelve years may deposit with the clerk of the justices in the district an undertaking in writing in the form prescribed by the schedule to the Act; and no summons shall issue from any justice against any employer on a charge of offence against this Act unless it appear on the information that he has been applied to, and has not within a month of such application deposited such undertaking with the clerk of the justices in the district, or that having deposited such undertaking he has failed to obtain the certificates herein mentioned.

6. Persons wilfully giving a false certificate of the ability of any child to read and write, or of the attendance of any child at school, shall for every such offence, on summary conviction thereof before two justices, forfeit any sum not exceeding twenty-shillings, besides costs.

7. Penalty recovered under this Act shall be applied, as the justices before whom the conviction takes place may direct, towards the education of the child in relation to whom such penalty was incurred.

8. Nothing in this Act shall extend to children for whom attendance at school provision is made by the Acts of the seventh and eighth years and eighth and ninth years of her Majesty, or any Acts amending the same.

SCHEDULE to which this Act refers.

(A.)

I of hereby certify, That can read tolerably and write legibly.

(Signed)

Schoolmaster.

Dated the day of 18

(B.)

I hereby undertake, That now in my employment, shall while he [*or* she] continues in such employment, unless he [*or* she] sooner obtain a certificate of his [*or* her] ability to read and write, or attain the age of twelve years, attend school for twenty hours per month.

(Signed)

Dated this day of 18

(C.)

I of hereby certify, That has during this present month attended my school for not less than twenty hours.

(Signed)

Schoolmaster.

Dated this day of 18

OFFENCES AGAINST THE PERSON.

Summary of the Bill (as amended by the select committee) intituled "An Act to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person.

1. "Murder" and "manslaughter," as used in this Act, to include the killing of foreigners.

2. Whosoever shall be convicted of murder shall suffer death as a felon.

3. Upon every conviction for murder the Court shall pronounce sentence of death, and the same may be carried into execution, and all other proceedings upon such sentence and in respect thereof may be taken in the same manner as sentence of death might have been pronounced and carried into execution before the passing of this Act, upon a conviction for any other felony for which the prisoner might have been sentenced to suffer death as a felon.

4. Body to be buried in prison.

5. Conspiring or soliciting to commit murder a felony, and offender liable to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

6. Persons convicted of manslaughter liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, or to pay such fine as the Court shall award, in addition to or without any such other discretionary punishment as aforesaid.

7. In indictment for murder or manslaughter, or for being an accessory to any murder or manslaughter, not necessary to set forth the manner in which the death was caused, but sufficient to charge that the defendant did feloniously, wilfully, and of his malice aforethought, kill and murder the deceased; and it shall be sufficient in any indictment for manslaughter to charge that the defendant did feloniously kill and slay the deceased; and it shall be sufficient in any indictment against any accessory to any murder or manslaughter to charge the principal with the murder or manslaughter (as the case may be) in the manner hereinbefore specified, and then to charge the defendant as an accessory.

8. No punishment or forfeiture shall be incurred by any person who shall kill another by misfortune or in his own defence, or in any other manner without felony.

9. Every offence which before the commencement of 9 Geo. 4, c. 31, would have amounted to petit treason, shall be deemed to be murder only, and no greater offence; and all persons guilty thereof, whether as principals or accessories, shall be punished as principals and accessories in murder.

10. Where any murder or manslaughter shall be committed on land out of the United Kingdom, whether within the Queen's dominions or without, every offence committed by any subject of her Majesty, in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory before or after the fact to murder or manslaughter, may be dealt with and punished in any county or place in England or Ireland in which such person shall be apprehended or be in custody, in the same manner in all respects as if such offence had been actually committed in that county or place. Nothing herein contained shall prevent any person from being tried in any place out of England or Ireland for any murder or manslaughter committed out of England or Ireland, in the same manner as such person might have been tried before the passing of this Act.

11. Where any person, being feloniously stricken, poisoned, or otherwise hurt upon the sea, or at any place out of England or Ireland, shall die of such stroke, &c., or being feloniously stricken, &c., in England or Ireland, shall die of such stroke, &c., upon the sea, or at any place out of England or Ireland, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory before or after the fact to murder or manslaughter, may be dealt with and punished in the county or place in England or Ireland in which such death, &c., shall happen, in the same manner in all respects as if such offence had been wholly committed in that county or place.

12. Persons administering poison, with intent to murder, guilty of felony, and offender shall suffer death as a felon.

13. Persons wounding with intent to murder guilty of felony, and shall suffer death as a felon.

14. Persons destroying or damaging a building with gunpowder, with intent to murder, guilty of felony, and shall suffer death as a felon.

15. Persons setting fire to or casting away a ship with intent to murder guilty of felony, and shall suffer death as a felon.

16. Persons attempting to administer poison, or shooting or attempting to shoot, or attempting to drown, &c., with intent to murder, guilty of felony, and shall be liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

17. Persons by any other means attempting to commit murder guilty of felony, and liable to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

18. Persons sending letters threatening to murder guilty of felony, and liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of eighteen years, with or without whipping.

19. Persons impeding another while endeavouring to save himself from shipwreck guilty of felony, and liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

20. Persons shooting, or attempting to shoot, or wounding with intent to do grievous bodily harm, guilty of felony, and liable to the same punishment.

21. What shall constitute loaded arms.

22. Persons inflicting bodily injury with or without weapon guilty of a misdemeanour, and liable to be imprisoned for any term not exceeding three years, with or without hard labour.

23. Persons attempting to choke, &c., in order to commit felony guilty of felony, and liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

24. Persons using chloroform, &c., to commit felony guilty of felony, and liable to be kept in penal servitude for life, or for any other term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

25. Persons maliciously administering poison, &c., so as to endanger life or inflict grievous bodily harm, guilty of felony, and liable to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

26. Persons maliciously administering poison, &c., with intent to injure, aggrieve, or annoy any other person, guilty of a misdemeanour, and liable to be imprisoned for any term not exceeding three years, with or without hard labour.

27. If the jury be not satisfied that any person charged is guilty of felony, but guilty of misdemeanour, they may find him guilty accordingly.

28. Persons not providing apprentices or servants with food, &c., or assaulting them, whereby life endangered, guilty of a misdemeanour, and liable to be imprisoned for any term not exceeding three years, with or without hard labour.

29. Persons causing bodily injury by gunpowder guilty of felony, and liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of eighteen years, with or without whipping.

30. Persons causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person, with intent to do grievous bodily harm, guilty of felony, and liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of eighteen years, with or without whipping.

31. Placing gunpowder near a building, with intent to do bodily injury to any person, a felony, and offender liable to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of eighteen years, with or without whipping.

32. Setting spring guns, &c., with intent to inflict grievous bodily harm, a misdemeanour, and offender liable to be imprisoned for any term not exceeding three years, with or without hard labour; and whosoever shall knowingly and wilfully permit any such spring gun, &c., which may have been set or placed in any place then being in or afterwards coming into his possession or occupation by some other person to continue so set or placed, shall be deemed to have set and placed such gun, with such intent as aforesaid. Nothing in this section contained shall extend to make it illegal to set or place any gin or trap such as may have been or may be usually set or placed with the intent of destroying vermin; nor to make it unlawful to set or place, or cause to be set or placed, or to be continued, set, or placed, from sunset to sunrise, any spring gun, man trap, or other engine which shall be set or placed, or caused or continued to be set or placed, in a dwelling house, for the protection thereof.

33. Placing wood, &c., on a railway with intent to endanger passengers, a felony, and offender liable to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and if a male under the age of eighteen years, with or without whipping.

34. Casting stone, &c., upon a railway carriage, with intent to endanger the safety of any person therein, a felony, and offender liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

35. Doing anything to endanger passengers by railway, a misdemeanor, and offender liable to be imprisoned for any term not exceeding two years, with or without hard labour.

36. Drivers of stage coaches, &c., maiming persons by furious driving guilty of a misdemeanor, and liable to be imprisoned for any term not exceeding two years, with or without hard labour.

37. Obstructing or assaulting a clergyman in the discharge of his duties, a misdemeanor, and offender liable to be imprisoned for any term not exceeding two years, with or without hard labour.

38. Assaulting a magistrate, &c., on account of his preserving wreck, a misdemeanor, and offender liable to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

39. Assault with intent to commit felony, or on peace officers, &c., a misdemeanor, and offender liable to be imprisoned for any term not exceeding two years, with or without hard labour.

40. Persons guilty of assaults with intent to obstruct the sale of grain, or its free passage, liable to be imprisoned and kept to hard labour in gaol for any term not exceeding three months; no person who shall be punished for any such offence to be punished for the same offence by virtue of any other law whatsoever.

41. Assaults on workmen, with intent, &c., a misdemeanor, and offender liable to be imprisoned for any term not exceeding two years, with or without hard labour.

42. Assaults arising from combination. Whosoever, in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, &c., or respecting any person employed therein, shall unlawfully assault any person, shall be guilty of a misdemeanor, and liable to the same punishment.

43. Assaulting or obstructing bailiffs in executing process, a misdemeanor, and offender liable to be imprisoned for any term not exceeding two years, with or without hard labour.

44. Persons committing any common assault or battery may be imprisoned or compelled by two magistrates to pay fine and costs not exceeding £5. Commitment on non-payment.

45. Persons convicted of aggravated assaults on females and boys under fourteen years of age may be imprisoned or fined.

46. If the magistrates dismiss the complaint, they shall make out a certificate to that effect.

47. Certificate or conviction shall be a bar to any other proceedings.

48. These provisions not to apply to certain cases.

49. Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable to be imprisoned for any term not exceeding three years, with or without hard labour.

50. Whosoever shall be convicted of the crime of rape shall be guilty of felony, and liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

51. Procuring the defilement of a girl under age, a misdemeanor, and offender liable to be imprisoned for any term not exceeding two years, with or without hard labour.

52. Carnally knowing a girl under ten years of age, a felony, and offender liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for

any term not exceeding two years, with or without hard labour.

53. Carnally knowing a girl between the ages of ten and twelve, a misdemeanor, and offender liable to be imprisoned for any term not exceeding three years, with or without hard labour.

54. Persons attempting to commit the last two offences liable to be imprisoned for any term not exceeding two years, with or without hard labour.

55. Abduction of a woman against her will, from motives of lucre, or a fraudulent abduction of a girl under age against the will of her father, &c., a felony, and offender liable to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; offender incapable of taking any of her property.

56. Forcible abduction of any woman with intent to marry her, a felony, and offender liable to same punishment as in preceding section.

57. Abduction of a girl under sixteen years of age, a misdemeanor, and offender liable to be imprisoned for any term not exceeding two years, with or without hard labour.

58. Child stealing, a felony, and offender liable to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of eighteen years, with or without whipping; no person who shall be the mother, or shall have claimed to be the father of an illegitimate child, or to have any right to the possession of such child, shall be liable to be prosecuted on account of the getting possession of such child, or taking such child out of the possession of any person having the lawful charge thereof.

59. Bigamy, a felony, and offender liable to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and any such offence may be tried in any county or place in England or Ireland where the offender shall be apprehended, in the same manner as if the offence had been actually committed in that county or place; nothing in this section contained to extend to any second marriage contracted elsewhere than in England and Ireland by any other than a subject of her Majesty, or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who, at the time of such second marriage, shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any court of competent jurisdiction.

60. Administering drugs or using instruments to procure abortion, a felony, and offender liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

61. Procuring drugs, &c., to cause abortion, a misdemeanor, and offender liable to be imprisoned for any term not exceeding three years, with or without hard labour.

62. Concealing the birth of a child, a misdemeanor, and offender liable to be imprisoned for any term not exceeding two years, with or without hard labour. If any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the jury by whose verdict such person shall be acquitted to find, in case it shall appear in evidence, that the child had recently been born, and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if such person had been convicted upon an indictment for the concealment of the birth.

63. Persons guilty of sodomy and bestiality liable to be kept in penal servitude for life.

64. Attempt to commit an infamous crime a misdemeanour, and offender liable to be imprisoned for any term not exceeding three years, with or without hard labour.

65. Carnal knowledge defined.

66. Making or having gunpowder, &c., with intent to commit any felony against this Act, a misdemeanour, and offender liable to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of eighteen years, with or without whipping.

67. Justices may issue warrants for searching houses, &c., in which explosive substances are suspected to be made for the purpose of committing felonies against this Act.

68. A person found loitering at night, and suspected of any felony against this Act, may be apprehended.

69. Punishment of principals in the second degree and accessories.

70. Offences committed at sea to be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon the land in England or Ireland, and may be tried and determined in any county or place in England or Ireland in which the offender shall be apprehended in the same manner in all respects as if they had been actually committed in that county or place; and in any indictment for being an accessory to such an offence, the venue in the margin shall be the same as if the offence had been committed in such county or place, and the offence shall be averred to have been committed "on the high seas;" provided that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

71. Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this Act, the Court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction.

72. Whenever solitary confinement may be awarded for any offence under this Act, the Court may direct the offender to be kept in solitary confinement for any portion or portions of any imprisonment, or of any imprisonment with hard labour, which the Court may award, not exceeding one month at any one time, and not exceeding three months in any one year; and whenever whipping may be awarded for any offence under this Act, the Court may sentence the offender to be once, twice, or thrice privately whipped.

73. Fine and sureties for the peace in certain cases.

74. No summary conviction under this Act shall be quashed for want of form, or be removed by certiorari; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a valid conviction to sustain the same.

75. Guardians and overseers may be required to prosecute in certain cases.

76. On a conviction for assault the Court may order payment of the prosecutor's costs by the defendant.

77. Such costs may be levied by distress.

78. Summary proceedings in England may be under the 11 & 12 Vict. c. 43, and in Ireland under the 14 & 15 Vict. c. 93, except in London and the Metropolitan Police District.

79. The costs of the prosecution of offences against this Act may be allowed.

80. Act not to extend to Scotland, except as hereinbefore provided.

81. Act to commence on the 1st of January, 1861.

Recent Decisions.

[*Equity*, by J. NAPIER HIGGINS, Esq., *Barrister-at-Law*; *Common Law*, by JAMES STEPHEN, Esq., *Barrister-at-Law*.]

EQUITY.

SOLICITOR AND CLIENT—PRIVILEGED COMMUNICATION.

Lewis v. *Pennington*, 8 W. R., M. R., 465.

The subject for decision in the present case has already been considered from various other points of view in this Journal.* In the present case it was decided that where a client makes a confidential communication to his solicitor, and the solicitor acquires the same knowledge from any other source, the information so communicated to him by his client will no longer be treated as confidential, and therefore will not be protected from discovery. The suit was for the purpose of selling real estate for the benefit of incumbrancers, and the solicitors of the principal defendant were also made defendants. In answer to interrogatories intended to obtain discovery of facts touching their co-defendant within the knowledge of the solicitors, they stated in their answer that all their knowledge had been acquired in their capacity of solicitors of their co-defendant; and they, therefore, declined to answer such interrogatories. There appeared to be a question whether the solicitors were not made parties, merely for the purpose of obtaining discovery. On this point the Master of the Rolls had no doubt that had such been the fact they might have demurred to the bill. The main

*1 S. J. 666; 2 S. J. 37.

point, however, was raised upon the form of the answer, which although it stated that "all the knowledge and information of the solicitors had been acquired by them in that capacity," yet it did not state that they had not acquired the same information *aliunde* or otherwise than as such solicitors. "The fact," said his Honour, "of the confidential communication of the client would not merge the other sources of information." The exception to the general rule laid down by his Honour appears to be altogether reasonable viewed abstractedly, and if it be applicable only to solicitors in cases where the discovery of such otherwise acquired information might be extracted from persons who are not solicitors. It may be questioned, however, whether practically the distinction may not operate inconveniently and interfere with the privilege which has hitherto been extended to confidential communications between a client and his legal adviser—a privilege which though usually claimed by the attorney, is not for the benefit of himself, but of his client. So much of the ordinary business of solicitors is unconnected with litigation, and collateral or subsidiary to business of a strictly professional character, that it would not always be very easy to say how far the advice and agency of a solicitor came under one head or the other; nor is it sometimes less difficult to discriminate between the confidence of the client in respect of one set of transactions or of the other. The difficulty has already arisen in several reported cases. Lord Cottenham had occasion to consider it in *Desborough* v. *Rawlins*, 3 My. & Cr. 575. There the Atlas Insurance Company filed a bill against the Eagle Insurance Company and its solicitors, praying that a policy effected by the Eagle Company with the plaintiff's company, might be declared void. The bill stated that an agent of another company with whom the Eagle wished to effect an insurance on the life, informed an agent of the Eagle, that the life was bad, and handed to him a medical report to that effect. The solicitor of the Eagle was present at the interview, and was interrogated in respect of it; but in his answer he refused to state what passed, on the ground that he acquired his information in the capacity of solicitor and confidential adviser of the Atlas Company. The question there raised was, whether the solicitor was at the time engaged in his capacity of solicitor, or in other words, whether the transaction in question was within the scope of his professional employment. Lord Cottenham, considering that the communication was merely the result of an inquiry as to the value of the life made by the officer of one company of another, held that it was not within the rule of privileged professional communications; "and," said his lordship, "if it had been made directly to the solicitor for the purpose of being communicated to the company, it would not be very easy to consider it a privileged communication." Again, he says, "it may be the defendant (the solicitor) was present accidentally, and so heard what passed; but at all events those who claim the privilege are bound to bring their claim within it. I cannot say until I have learned how the defendant came to be present, who sent for him, and so forth, whether the communication was privileged." In *Sawyer* v. *Birchmore*, 3 My. & K. 573, the same learned judge, when Master of the Rolls, drew a distinction between a solicitor being protected from answering questions seeking information as to matters of fact within his knowledge, and matters which have been confidentially communicated to him. The solicitor was there asked whether he was employed as solicitor or agent for the defendants, and whether he did not write certain letters touching the matters in the suit, and whether he had not received answers, and if so, to produce them; and whether he did not attend meetings of his clients, and if so, what took place thereat? He admitted that he was solicitor, and wrote, and received such letters, but refused to give their contents, on the ground, that he was at the time of writing employed as solicitor by the defendants, and that he could not depose thereto without disclosing communications made in confidence to him by his clients. The interrogatory, however, did not require the production of any letters except those which passed between the solicitor and persons who are not his clients. On behalf of the exceptants it was argued that the information sought related to a collateral matter of fact; and that an attorney was bound to answer questions as to collateral facts within his knowledge, however unfavourable such facts might be to his client, and though the knowledge of them might have been acquired in consequence of his character as attorney; and Sir C. Pepys, Master of the Rolls, decided in favour of this argument. The earlier case of *Greenhough* v. *Gaskell*, 1 My. & K. 98, a decision of Lord Brougham, does not appear to have been cited in *Sawyer* v. *Birchmore*, though it was in the subsequent case of *Desborough* v. *Rawlins*, when Lord Cottenham was of opinion that *Greenhough* v. *Gaskell*, was not opposed to the rule laid down by him in his decisions. In *Greenhough* v. *Gaskell*, however, it appears plain enough that Lord Brougham, who decided that case, after great deliberation and an elaborate review of the authorities, was disposed to establish a rule of court somewhat different from what was laid down by Lord Cottenham, and has been since maintained. Lord Brougham was of opinion that a solicitor could not be compelled, at the instance of a third party, to disclose matters which had come to the knowledge of the solicitor in the conduct of professional business of the client, even though such business had no reference to legal proceedings, either existing or in contemplation. Although, however, Lord Brougham, in his judgment, confines the privilege to cases of professional employment, yet it is evident from his lordship's judgment that the professional relation once being established in respect of any particular subject matter, the Court ought not to be astute in discriminating between communications in relation to the subject matter, necessarily involving professional confidence, and those which do not. "If," he says, "touching matters that come within the ordinary scope of professional employment, they receive a communication in their professional capacity, either from a client, or on his account, and for his benefit in the transaction of his business, or, which amounts to the same thing, if they commit to paper, in the course of their employment on his behalf, matters which they know only through their professional relation to the client, they are not only justified in withholding such matters, but bound to withhold them, and will not be compelled to disclose the information or produce the papers in any court of law or equity, either as party or as witness." It must be borne in mind, however, that the particular question under Lord Brougham's consideration in *Greenhough* v. *Gaskell*, was, whether the privilege ought to be confined to such communications as had reference to existing or contemplated litigation; and upon a review of the authorities at common law, his lordship enumerates certain exceptions to the general rule which had been thereby established; as, for instance, where the communication was made before the attorney was employed as such or after his employment had ceased; or where, though consulted by a friend because he was an attorney, yet he refused to act as such, and was, therefore, only applied to as a friend; or where there could not be said correctly to be any communication at all; as where, for instance, a fact became known to the attorney from his having been brought to a place by the circumstance of his having been an attorney, but of which fact any other man, if there, would have been equally cognizant (and even this, his lordship said, had been held privilege, in some of the cases); or where the matter communicated was not in its nature private, and could in no sense be termed the subject of a confidential disclosure; or where the thing disclosed had no reference to the professional employment though disclosed while the relation of attorney and client subsisted; or where the attorney made himself a subscribing witness, and thereby assumed another character for the occasion, and adopting the duties which it imposes, became bound to give evidence of all that a subscribing witness can be required to prove.

The case of *Lewis* v. *Pennington* may be considered as coming more or less within some of the exceptions to the rule ennumerated in Lord Brougham's judgment in *Greenhough* v. *Gaskell*, but in strictness it is not covered by any of them. There was no doubt as to the confidential relationship between the solicitors and their client, or that they had in fact acquired the information which it was sought to extract from them in such capacity; and from what is stated in the report it may be assumed that although they subsequently acquired the same information from other sources, yet that those other sources would not have been within their reach but for such professional employment; and the effect of the decision may be considered to be that even under such circumstances the privilege does not extend to protect information about the client's rights thus obtained directly from himself and also indirectly on account or by means of such employment.

It is hardly necessary to remark that the privilege does not extend to communications between a solicitor and his client relative to any fraud contrived between them; for, as Lord Cranworth said, in *Follett* v. *Jefferyes*, 1 Sim., N. S. 17, "no court can permit it to be said that the contriving a fraud can form part of the professional occupation of an attorney."

On the subject generally of the restriction of the privilege of solicitor and client to all communications in respect of professional advice or business, in addition to the cases cited in the argument in *Lewis* v. *Pennington*, see *Walker* v. *Wildman*, 6

Madd. 47; *Russell* v. *Jackson*, 9 Hare 387; *Lawrence* v. *Campbell*, 7 W. R. 336; *In re The Camerons Coalbrook, &c., Railway Company*, 25 Beav. 1.

COMMON LAW.

AFFILIATION ORDER—7 & 8 VICT. c. 101.

Tollit, app. v. *Kortzow, resp.*, 8 W. R., Q. B., 433.

With reference to the bastardy clauses of 7 & 8 Vict. c. 101, the Queen's Bench have here decided that the Legislature, in sanctioning an order for the support of a bastard on the putative father, intended to ensure a proper maintenance for the child, not to make a provision for the benefit of the mother. Indeed, put in this way, it is difficult to see how any other construction of the Act could be seriously argued; as a provision merely for the benefit of the *mother*, would, in many cases, be a statutable reward for immorality. The particular question raised in the present case, however, was, whether an agreement between the mother and putative father to forego all her rights to a weekly order, in consideration of a sum down, was a bar to a subsequent application on her part for an affiliation order. The Court unanimously was of opinion, that such an agreement was not binding on the justices, and that the mother could not release her rights under the statute. In many cases, remarked the Chief Justice, the mother might enter into an agreement to take a sum of money down and spend it all at once; whereas the Legislature provides that a small weekly allowance should be paid to her, or in case of her incapacity to some other person, to maintain and provide for the child during its infancy, and till it is capable of supporting itself by some employment.

PRACTICE—ERROR IN A SPECIAL CASE—17 & 18 VICT. c. 123, ss. 5, 32.

Gumm v. *Fowler*, 8 W. R., Q. B., 437.

It is one of the enactments of the Common Law Procedure Act, 1854 (17 & 18 Vict. c. 125, s. 32), that "error may be brought upon a special case, in the same manner as upon a judgment upon a special verdict, unless the parties agree to the contrary." And in the present case, a cause having been by consent referred at nisi prius, and the reference containing a clause (made also by consent), that neither of the parties should bring error on the award,—the arbitrator at the request of the parties stated his award in the form of a "special case," for the opinion of the Queen's Bench. On this case that Court gave judgment in favour of one of the parties; whereupon the other took proceedings in error, as on a judgment on an ordinary special case. And for this course he relied as an authority, upon the section in the Common Law Procedure Act above referred to. But the Court set the proceedings in error aside, —explaining that the only object of the section was, to assimilate the proceedings on an ordinary special case, for the purposes of bringing error, to those on a *special verdict*. In a special verdict (which is a more expensive and dilatory proceeding than by way of special case), error could always be brought; but it was otherwise formerly with regard to a special case. It was to correct the practical inconvenience thereby occasioned, that the 32nd section of the Procedure Act was passed; and it was never intended to apply it to a special case stated by an arbitrator, in order to obtain the aid of the Court in deciding difficult and complicated questions of law arising in the reference, as he was enabled to do by 17 & 18 Vict. c. 123, s. 5, this provision being merely ancillary to the general jurisdiction of an arbitrator. Moreover, in the present case, the parties expressly precluded themselves from bringing error, by the terms of the reference to which they had consented; and nothing passed between them waiving the effect of that prohibition.

The case of *Oldershaw* v. *King* (26 L. J. Exch. 384), in which the party wishing to bring error in the present case relied is, on examination, easily distinguishable; because there, the plaintiff in error swore positively that the words in the order of reference, prohibitory of proceedings in error, had been inserted against the real understanding between the parties, and this affidavit was not in substance contradicted. In the present case, there was no such allegation made.

Correspondence.

LAW EXAMINATIONS—THE PRIZE SYSTEM.

It must be extremely gratifying to the examiners and the public to know that the number of rejected candidates at the examinations is becoming less each term. This result is to be attributed to the establishment of honorary distinctions, and the desire of the candidates to obtain them; or to a relaxation of the test employed by the examiners—which, however, no one in his senses can imagine is at all likely to take place in these days of severe and searching examinations.

At the Easter examination in 1857, there were 111 candidates and twenty-three pronounced incompetent; but at the Easter examination this year there were 117 candidates and only seven unsuccessful. The results of other examinations compared are equally curious. Surely the prize system promises to bring about a happy period when no unfit person will present himself. Perhaps we may then be able to dispense with the services of the examiners and give every man a prize. It seems almost cruel to shut out only seven poor fellows out of 117, as I am sure the admission of one blockhead to nearly seventeen wiseacres (which is the proportion of the B.'s to the W.'s), would not very much disgrace them.

DOROTHEUS.

THE COMMON LAW JUDGES CHAMBERS.

The system (if such a term can be properly applied to such disorder), of these bear-gardens is getting worse and worse. To day I have to attend at eleven in the Queen's Bench, and three in the Common Pleas, so that both my morning and afternoon are utterly wasted, and some day or other, I shall get 3*s.* 4*d.* for about five hours' work. In the Queen's Bench too, a practice has sprung up of the judges' clerks taking on themselves, instead of their masters, to adjourn summonses; the consequence is, that when with much trouble you have got your summons marked No. 1, you find 30 or 40 adjourned summonses are entitled to precedence.

D. E.

SCHEME FOR A LAW UNIVERSITY.

I have read with great satisfaction the paper on this subject, which appeared in last week's number of the *Solicitors' Journal*. There can be no doubt that the combination of the Inns of Court with the Incorporated Law Society therein advocated, would be one of vast importance to all future candidates for entry into the legal profession. The matriculation of a student at such a university, would create a high standard of intellectual competency for the fulfilment of the duties either of barrister or solicitor to which a student might devote himself; and with respect to all those intending to practise as solicitors, besides exalting them considerably in social status, would afford the public an ample guarantee, that the duties of solicitor would be discharged by educated and highly qualified practitioners.

The suggestion contained in the paper is certainly worthy the attention of our branch of the profession.

T. W.

INTEREST BY WAY OF DAMAGES.

In answer to "J. B.," ("Solicitors' Journal," page 622), I think that under the 3 & 4 Will., c. 42, s. 28, the judge or jury, as the case may be either in a superior or inferior court, may give interest upon debts payable by virtue of a written instrument, and at a time certain, from such time; or, if payable otherwise, from time of demand in writing, stating that interest will be claimed. In the case put, I think the terms of the agreement seem to exclude interest on the gross amount, though not, perhaps, on the instalments. The agreement should have provided that on default in payment of any instalment the whole debt should become due and payable.

E. M.

In reply to "J. B.," I have to remark, that, as the document did not mention interest, it must be considered that the creditor waived his right to it, provided the debt was paid at the agreed times; but as to such part of it as was not so paid, interest could, I think, be given by a jury, or by a county court judge (acting as a jury), pursuant to 3 & 4 Will. 4, c. 42, s. 28; but only from the time when the whole of the instalments ought to have been paid. It must be borne in mind that the rent was a specialty debt; and could have been distrained for at any time, notwithstanding the "memorandum," provided C. D. continued tenant to A. B.; if the tenancy did really continue, interest would hardly be given.

W. F.

AFFIDAVIT—DESCRIPTION OF DEPONENT.

In answer to "Causidicus," page 622, I should think the proper mode of making such an affidavit would be for A. to

describe himself by his right name, and depose to having pledged as "J. Smith, Birmingham." If, however, he made the affidavit as J. Smith, I think it would depend on the *bonâ fides* of the transaction whether he would incur any danger; for I take it that every part of an affidavit may be *material* according to the circumstances of the case. *Actus non facit reum, nisi mens sit rea.* If A. swore without evil intent, he would not meet with punishment. I believe an indemnity is required as well as an affidavit. E. M.

In reply to "Causidicus," I conceive that "A., of London," would have no right to depose to an affidavit in the name of "J. Smith, of Birmingham;" such a proceeding would lead to gross frauds on the public. The deponent's description in an affidavit is as much a part of the oath as the subsequent facts sworn to by the party, to wit, "A., of London," as A., distinguished from all other persons by such name and by the description of him there stated. W. F.

In answer to "Causidicus," the name and address of a deponent is not part of his affidavit, but simply matter of description. It would clearly, I apprehend, be objectionable—both in fact and morals—for the pledger to assume or swear by the name used in the transaction. Indeed, my personal knowledge of the "John Smith, of Birmingham," would suggest a caution to any neighbour against the use of this gentleman's name. Such a use would, as I apprehend, be a clear *fraud* though not *perjury*.

All that the pledger has to do is to swear by his own name and identify himself as the person who pledged the watch. The coincidence in the choice of the name and address given on this occasion is suggestive of care in such matters, and especially the use of the name of the "Smiths."

J. CULVERHOUSE.

CONVEYANCING COSTS.

An "Articled Clerk's" questions, should, I believe, be thus answered:—

1. If completion took place at the time of execution two fees ought not to be charged; but if, besides the trouble of attending execution and attestation, another attendance was, by the act of the parties, rendered necessary for completion, such as paying money, handing over deeds, &c., a second fee would be payable.

2. It would be dishonest in a solicitor, or any other person, to charge for any copy not actually made, or for any other alleged business, not done.

3. Where one perusal only was made, or where the conveyance and mortgage were completed together, one fee only for perusal would be payable; otherwise, if the conveyance and mortgage took place at materially different times; for a solicitor cannot be supposed to keep facts in his head, and would not do his duty to his client if he tried, and trusted his memory.

The Provinces.

LEEDS.—*Public prosecutors.*—On the 8th inst. a question of great importance was raised before the sitting magistrates, at the Town Hall, as to the right of the borough justices to appoint public prosecutors. It has been the practice for many years to entrust all cases committed for trial at the assizes or sessions to Mr. Rawson and Mr. Markland, solicitors, acting under the authority of the justices, though the preliminary prosecution might have been conducted by other professional gentlemen. Mr. Ferns (solicitor) said that for some time past two gentlemen had enjoyed the monopoly of conducting the prosecutions in all criminal cases sent for trial within the borough, and they claimed to do so on an alleged authority from the magistrates, which was wholly unfounded. The right to prosecute rested neither in the magistrates nor in any other person but the person aggrieved or injured. Indeed, these gentlemen might just as well claim to go into his office and take his papers in a nisi prius or conveyancing case, and use them to their own profit. He cited *The Queen* v. *Bishop*, L. J. N. S. M. C. 63. Mr. Granger (solicitor) said the question was, whether the magistrates had the power which was claimed? A great injustice was done to the attorneys acting on the examinations before the justices. These attorneys had all the trouble and annoyance of getting up the cases, whilst the cream was taken by others. The mayor reserved the question for the justices.

Lord Brougham has consented to become President of the Leeds Young Men's Anti-Slavery Society.

RIPON.—A memorial window to John Williamson, Esq., late recorder of Ripon, and another member of his family, has been put up in the cathedral in this town.

YORKSHIRE.—The magistrates of the North Riding of Yorkshire, at a meeting, on Friday, June 8, passed a unanimous resolution that it was inexpedient to remove the assizes from York city to either Leeds or Wakefield.

Ireland.

COURT OF CHANCERY.

THE PICTURE COPYRIGHT CASE.

Turner v. *Robinson.*—This suit was instituted by Turner, the assignee of the copyright in, or right to engrave, the celebrated painting by Wallis, "The Death of Chatterton," against a photographer in Dublin, who had managed to reproduce the design in stereoscopic slides. The decision of the Master of the Rolls (a note of which appeared on page 331, *ante*) was adverse to the defendant, and an injunction issued to stop the sale of such photographic copies. The defendant thereupon went to the Court of Chancery appeal, and judgment was given on Wednesday last.

The LORD CHANCELLOR said that the case was one of great peculiarity and interest, involving questions entirely novel. The Copyright Acts did not apply; and the question turned upon the rights of the respondent at common law. It was admitted on all hands that the copyright in works of art remained in the artist up to the point of "publication;" but the appellant contended that after the picture had been exhibited, all exclusive right to the design ended. The picture in question had been publicly exhibited in London and at the Manchester Exhibition; and it was not now necessary to decide upon the legal effect of such exhibition while it lasted. He (the Lord Chancellor) was not sure that if the eye could carry home a design from the walls of an exhibition, and then copy it, that such a proceeding would not be allowable. But after the exhibition has ended, a picture returning to the owner of it, would return with all its original rights of property attached to it. The public exhibition of the picture amounted to a publication—so far as that term could apply to works of art; and the statute relative to the Hyde Park Exhibition, and the Copyright of Designs Act, tended to show that publication to a certain extent flowed from exhibition in public places. The real question in the present case seemed to be, What was the nature of the right to property in a painting after its return from exhibition? He thought that that right was the same after as before exhibition. The picture had been shown in Dublin, as appeared from the announcements and handbills, solely for the purpose of gaining subscribers to the forthcoming engraving, and of this the respondent was fully aware. It resulted from these two propositions that the petitioner's right had been infringed on by the sale of the photographic copies, taken, as the respondent acknowledged, from the original, while it remained in Dublin for the above purpose. The injunction must, therefore, be continued.

The LORD JUSTICE concurred. The appeal was, however, dismissed without costs, as the Court had decided on different grounds from those relied on by the Court below.

Serjt. Lawson, Brewster, Q.C., Walsh, and *Shaw* (Mr. *Kiernan*, Solicitor), appeared for the petitioner; and *Sullivan, Q.C., Elrington,* and *Morris,* for Mr. Robinson.

DEATHS OF MR. SHERLOCK AND MR. FORD.

The death is announced of Mr. J. W. Sherlock, Barrister-at-law, at the early age of thirty-four. Mr. Sherlock was the son of a much-respected solicitor in the county of Cork. He had attained to considerable practice, chiefly in the Rolls Court and the Master's offices; and his decease may be attributed to over-exertion in his profession.

We also notice the death, at the age of seventy, of Mr. William Ford, Solicitor, the Town Clerk of the City of Dublin. He was known many years ago as a friend and follower of Daniel O'Connell; and this circumstance led to his appointment by the then Corporation of Dublin as their Town Clerk. He was generally respected by all parties, and was followed to the grave by many members of the profession, and of the municipal body of Dublin.

The office of Town Clerk, worth a thousand a-year, and the minor appointment of Crown-Solicitor at the Meath sessions, are rendered vacant. On the notice paper of the corporation is one notice of motion—that in future the clerk devote his whole time and attention to his duties; and another—that two clerks or secretaries be substituted, at smaller salaries. An unfounded statement having appeared in some of the papers that the Lord Mayor (Mr. Redmond Carroll, Solicitor), was canvassing for the vacant office, Mr. Carroll has published a positive denial.

THE CORPORATION OF DUBLIN.

A special meeting of the corporation was held on the 7th instant, the Lord Mayor in the chair, when Alderman John Reynolds gave the following notice of motion:—That the office of town clerk being now vacant, a committee consisting of the following gentlemen, viz.:—The Lord Mayor, Alderman Kinahan, Councillor Codd, Councillor Gray, Councillor Richard Kelly, Councillor Chambers, and Alderman John Reynolds, be now appointed to inquire and report whether it would be advisable to appoint two competent persons to discharge the duties of town clerks and secretaries to committees Nos. 1, 2, and 3, at salaries not exceeding £300 per annum each. The present secretaries to committees Nos. 1 and 2 to be superseded at such pensions or annuities as they may be legally entitled to, and the committee to report generally on the duties of town clerk, and the best mode of regulating the office, taking care that any arrangement to be recommended shall not involve a larger expenditure than the present.

Dr. GRAY said, he had been requested by Mr. Codd to give the following notice of motion:—"That the Town Clerk to be hereafter elected by the corporation shall be obliged to devote his entire time to the service of the corporation, and shall not be permitted to engage in any other occupation."

Mr. W. H. Beckett, Barrister-at-law, has been appointed to a stipendiary magistracy by the Lord Lieutenant.

Mr. T. F. Callaghan, Barrister-at-law, of the Munster Circuit, has been appointed chief magistrate at Hong Kong.

It is rumoured that Mr. M'Causland has resigned the office of solicitor to the Commissioners of Charitable Bequests, the Ecclesiastical Commissioners, and the Governors of Erasmus Smith's Schools. The appointment is vested in the Lord Lieutenant, under the Act of Parliament, 7 & 8 Vict. c. 97. The solicitor to the Ecclesiastical Commissioners will, it is stated in future be paid by a fixed salary.

Court Papers.

Judicial Committee of the Privy Council.

The Judicial Committee will commence sitting for the despatch of business on Friday, the 15th June, 1860, at half-past 10 a.m.

Whence.	*Appellants.*	*Respondents.*
Madras	Collector of Masulipatam	Cavaly V. Narainapah.
Canada	Shaw and Jeffery.....	Jeffery.
Bengal	Government of Bengal .	Musst. Shurrufutoonissa and Others.
	(No Respondent's case lodged.)	
,,	Maharajah Nitrasur Singh	Baboo Nund Loll Singh and Others.
Cape of Good Hope	Stanford	Brunette and Others.
Bengal	Andrews.....	Maharajah Sutteeschunder Roy Bahadoor.
,,	Rogers	Rajendro Dutt and Others
,,	Ramgopal Mookerjea ..	Masseyk and Kenny.
Court of Arches ...	Heath	Burder.
,,	Liddell and Others	Beal.
High Court of Admiralty.	Dickson and Dickson ..	Bradford.
	(The "Elizabeth.")	
,,	Dickson and Dickson ..	Bradford.
	(The "Ocean.")	
,,	Tyrer and Bold.....	Henry and Others.
	(The "Despatch.")	
,,	Prowse and Others	The European and American Steam Shipping Company.
	(The "Peerless.")	

PATENT.

Boydell's Petition for Prolongation (Draft of Carriages). To fix hearing.

JUDGMENTS.

Ceylon. Lindsay v. The Oriental Bank and Others.
Madras. Mahomed Bauker Hossein Khan v. Shurfoonissa Begum.

Court of Chancery.

SITTINGS AFTER TRINITY TERM, 1860.

LORD CHANCELLOR.

Lincoln's Inn.

Tuesday	June	19	*The First Seal.*—Appeal Motions and Appeals.
Wednesday	,,	20	Petitions and Appeals.
Thursday	,,	21	Appeals.
Friday	,,	22	
Saturday	,,	23	
Monday	,,	25	
Tuesday	,,	26	
Wednesday	,,	27	*The Second Seal.*—Appeal Motions and Appeals.
Thursday	,,	28	Appeals.
Friday	,,	29	
Saturday	,,	30	
Monday	July	2	
Tuesday	,,	3	
Wednesday	,,	4	*The Third Seal.*—Appeal Motions and Appeals.
Thursday	,,	5	Appeals.
Friday	,,	6	
Saturday	,,	7	
Monday	,,	9	
Tuesday	,,	10	
Wednesday	,,	11	*The Fourth Seal.*—Appeal Motions and Appeals.
Thursday	,,	12	Appeals.
Friday	,,	13	
Saturday	,,	14	
Monday	,,	16	
Tuesday	,,	17	
Wednesday	,,	18	*The Fifth Seal.*—Appeal Motions and Appeals.
Thursday	,,	19	Appeals.
Friday	,,	20	
Saturday	,,	21	Petitions and Appeals.
Monday	,,	23	Appeals.
Tuesday	,,	24	
Wednesday	,,	25	
Thursday	,,	26	*The Sixth Seal.*—Appeal Motions and Appeals.

NOTICE.—Such days as his Lordship shall be engaged in the House of Lords are excepted.

MASTER OF THE ROLLS.

Chancery Lane.

Tuesday	June	19	*The First Seal.*—Motions.
Wednesday	,,	20	General Paper.
Thursday	,,	21	
Friday	,,	22	
Saturday	,,	23	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday	,,	25	General Paper.
Tuesday	,,	26	
Wednesday	,,	27	*The Second Seal.*—Motions.
Thursday	,,	28	General Paper.
Friday	,,	29	
Saturday	,,	30	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday	July	2	General Paper.
Tuesday	,,	3	
Wednesday	,,	4	*The Third Seal.*—Motions.
Thursday	,,	5	General Paper.
Friday	,,	6	
Saturday	,,	7	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday	,,	9	General Paper.
Tuesday	,,	10	
Wednesday	,,	11	*The Fourth Seal.*—Motions.
Thursday	,,	12	General Paper.
Friday	,,	13	
Saturday	,,	14	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday	,,	16	General Paper.
Tuesday	,,	17	
Wednesday	,,	18	*The Fifth Seal.*—Motions.
Thursday	,,	19	General Paper.
Friday	,,	20	
Saturday	,,	21	Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday	,,	23	Remaining Petitions and General Paper.
Tuesday	,,	24	
Wednesday	,,	25	
Thursday	,,	26	*The Sixth Seal.*—Motions.

NOTICE.—At the Sittings after Trinity Term, the Master of the Rolls will hear Further Considerations (in priority to Original Causes), Petitions, and Adjourned Summonses, every Saturday.

Unopposed Petitions will be taken first, and must be presented and Copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

LORDS JUSTICES.

Lincoln's Inn.

Tuesday	June	19	*The First Seal.*—Appeal Motions and Appeals.

Wednesday	"	20	Appeals.
Thursday	"	21	
Friday	"	22	Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday	"	23	Appeals.
Monday	"	25	
Tuesday	"	26	
Wednesday	"	27	*The Second Seal.*—Appeal Motions and Appeals.
Thursday	"	28	Appeals.
Friday	"	29	Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday	"	30	Appeals.
Monday	July	2	
Tuesday	"	3	
Wednesday	"	4	*The Third Seal.*—Appeal Motions and Appeals.
Thursday	"	5	Appeals.
Friday	"	6	Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday	"	7	Appeals.
Monday	"	9	
Tuesday	"	10	
Wednesday	"	11	*The Fourth Seal.*—Appeal Motions and Appeals.
Thursday	"	12	Appeals.
Friday	"	13	Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday	"	14	Appeals.
Monday	"	16	
Tuesday	"	17	
Wednesday	"	18	*The Fifth Seal.*—Appeal Motions and Appeals.
Thursday	"	19	Appeals.
Friday	"	20	Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday	"	21	Appeals.
Monday	"	23	
Tuesday	"	24	
Wednesday	"	25	
Thursday	"	26	*The Sixth Seal.*—Appeal Motions and Appeals.

NOTICE.—The days (if any) on which the LORDS JUSTICES shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

V. C. SIR R. T. KINDERSLEY.

Lincoln's Inn.

Tuesday	June	19	*The First Seal.*—Motions and General Paper.
Wednesday	"	20	General Paper.
Thursday	"	21	
Friday	"	22	Petitions.
Saturday	"	23	Short Causes, Adjourned Summonses, and General Paper.
Monday	"	25	General Paper.
Tuesday	"	26	
Wednesday	"	27	*The Second Seal.*—Motions and General Paper.
Thursday	"	28	General Paper.
Friday	"	29	Petitions.
Saturday	"	30	Short Causes, Adjourned Summonses, and General Paper.
Monday	July	2	General Paper.
Tuesday	"	3	
Wednesday	"	4	*The Third Seal.*—Motions and General Paper.
Thursday	"	5	General Paper.
Friday	"	6	Petitions.
Saturday	"	7	Short Causes, Adjourned Summonses, and General Paper.
Monday	"	9	General Paper.
Tuesday	"	10	
Wednesday	"	11	*The Fourth Seal.*—Motions and General Paper.
Thursday	"	12	General Paper.
Friday	"	13	Petitions.
Saturday	"	14	Short Causes, Adjourned Summonses, and General Paper.
Monday	"	16	General Paper.
Tuesday	"	17	
Wednesday	"	18	*The Fifth Seal.*—Motions and General Paper.
Thursday	"	19	General Paper.
Friday	"	20	Petitions.
Saturday	"	21	Short Causes, Adjourned Summonses, and Remaining Petitions.
Monday	"	23	Remaining Petitions and General Paper.
Tuesday	"	24	
Wednesday	"	25	
Thursday	"	26	*The Sixth Seal.*—Motions.

NOTICE.—At the Sittings after Trinity Term, the VICE-CHANCELLOR will hear Further Considerations in priority to original Causes.

V. C. SIR JOHN STUART.

Lincoln's Inn.

Tuesday	June	19	*The First Seal.*—Motions and General Paper.
Wednesday	"	20	General Paper.
Thursday	"	21	
Friday	"	22	Petitions and General Paper.
Saturday	"	23	Short Causes and General Paper.
Monday	"	25	General Paper.
Tuesday	"	26	
Wednesday	"	27	*The Second Seal.*—Motions and General Paper.
Thursday	"	28	General Paper.
Friday	"	29	Petitions.
Saturday	"	30	Short Causes, Adjourned Summonses, and General Paper.
Monday	July	2	General Paper.
Tuesday	"	3	
Wednesday	"	4	*The Third Seal.*—Motions and General Paper.
Thursday	"	5	General Paper.
Friday	"	6	Petitions.
Saturday	"	7	Short Causes, Adjourned Summonses, and General Paper.
Monday	"	9	General Paper.
Tuesday	"	10	
Wednesday	"	11	*The Fourth Seal.*—Motions and General Paper.
Thursday	"	12	General Paper.
Friday	"	13	Petitions.
Saturday	"	14	Short Causes, Adjourned Summonses, and General Paper.
Monday	"	16	General Paper.
Tuesday	"	17	
Wednesday	"	18	*The Fifth Seal.*—Motions and General Paper.
Thursday	"	19	General Paper.
Friday	"	20	Petitions.
Saturday	"	21	Short Causes, Adjourned Summonses, and Remaining Petitions.
Monday	"	23	Remaining Petitions and General Paper.
Tuesday	"	24	
Wednesday	"	25	
Thursday	"	26	*The Sixth Seal.*—Motions.

NOTICE.—At the Sittings after Trinity Term, the VICE-CHANCELLOR will hear Further Considerations in priority to original Causes.

V. C. SIR W. PAGE WOOD.

Lincoln's Inn.

Tuesday	June	19	*The First Seal.*—Motions and General Paper.
Wednesday	"	20	General Paper.
Thursday	"	21	
Friday	"	22	
Saturday	"	23	Petitions, Short Causes, and General Paper.
Monday	"	25	General Paper.
Tuesday	"	26	
Wednesday	"	27	*The Second Seal.*—Motions and General Paper.
Thursday	"	28	General Paper.
Friday	"	29	
Saturday	"	30	Penitions, Short Causes, and General Paper.
Monday	July	2	General Paper.
Tuesday	"	3	
Wednesday	"	4	*The Third Seal.*—Motions and General Paper.
Thursday	"	5	General Paper.
Friday	"	6	
Saturday	"	7	Petitions, Short Causes, and General Paper.
Monday	"	9	General Paper.
Tuesday	"	10	
Wednesday	"	11	*The Fourth Seal.*—Motions and General Paper.
Thursday	"	12	General Paper.
Friday	"	13	
Saturday	"	14	Petitions, Short Causes, and General Paper.
Monday	"	16	General Paper.
Tuesday	"	17	
Wednesday	"	18	*The Fifth Seal.*—Motions and General Paper.
Thursday	"	19	General Paper.
Friday	"	20	
Saturday	"	21	General Petition Day, and Short Cases.
Monday	"	23	Remaining Petitions and General Paper.
Tuesday	"	24	
Wednesday	"	25	
Thursday	"	26	*The Sixth Seal.*—Motions.

NOTICE.—At these Sittings the VICE-CHANCELLOR will hear such Further Considerations as are in the printed list (in priority to original Causes), and after the Sixth Seal Motions and Remaining Petitions only will be heard.

Rolls Court.

June 12, 1860.

On and after the 19th of June inst., the Master of the Rolls will hear Causes on Further Consideration and Further Directions in priority to all other Causes until all those which shall have been set down before the 19th of June are disposed of. After that the Master of the Rolls will, on every Monday during the Sitting of the Courts, give precedence to Further Considerations and Further Directions which are not accompanied with any motion to vary the certificate.

Chancery Order.

June 14, 1860.

Whereas Saturday the 23rd day of June inst. has been appointed by Her Majesty for a review of the Volunteers Corps of London and its vicinity; and whereas many members of the said Volunteer Corps are officers of this Court; and whereas by the 5th of the Consolidated Orders of this Court, rule 6, the Lord Chancellor is authorised to direct the offices of the court to be closed on days other than those therein mentioned, I do therefore order, that the several offices of this court be closed on Saturday, the 23rd day of June inst.; and that this Order be entered with the Registrar, and set up in the several offices of this Court.

(Signed) CAMPBELL, C.

Common Pleas.

This Court will, on Wednesday the 13th, Wednesday the 20th, Thursday the 21st, Friday the 22nd, and Saturday the 23rd days of June inst., hold Sittings in Banco, and will proceed in disposing of the Cases in the New Trial Paper, and in the Special Paper of this Court (commencing with the former). And will also give Judgment in the Cases that will be standing over for the consideration of the Court.

NEW CASE.—TRINITY TERM, 1860.

DEMURRER PAPER.

Case by Order.	Reid *v.* Coullard.
Dem.	Maitland *v.* Graham.

NEW TRIAL PAPER.

London.	Foulds *v.* White.

Exchequer of Pleas.

NEW CASES.—TRINITY TERM, 1860.

Error.	The Accidental Death Insurance Company *v.* Hooper.
,,	Addenbrooke and Others *v.* Ramage, Secretary, &c.
Appeal.	Clarke and Others *v.* Wright.
,,	Barkworth and Others, Assignees, &c. *v.* Ellermann.
,,	Watts *v.* Shuttleworth.

NEW TRIAL PAPER.

Middlesex.	Gostling *v.* Brookes.
,,	Hayes *v.* Timmins.
,,	McCarthy *v.* Young.
London.	Knight *v.* Wooldridge.
,,	Emblen *v.* Myers.
,,	Busst *v.* Hancock.

This Court will hold a Sitting on Tuesday the 26th day of June inst., in addition to the days already appointed, and will on the said 26th day of June proceed in giving judgment in matters then standing for judgment.

Births, Marriages, and Deaths.

BIRTHS.

CLIFTON—On June 1, at Durdham-down, the wife of John Henry Clifton, Esq., Solicitor, of a daughter.

JORDAN—On June 1, at Teignmouth, the wife of W. R. H. Jordan, Esq., Solicitor, of a daughter.

JULIAN—On June 1, at Cork, the wife of H. B. Julian, Esq., Solicitor, of a daughter.

MILLER—On June 13, the wife of Daniel James Miller, Esq., Solicitor, of a son.

MARRIAGES.

CALDER—CHARTRES—On June 6, Mr. Thomas Calder, Merchant, Glasgow, to Annie, eldest daughter of W. Chartres, Esq., Solicitor, Newcastle.

FFARINGTON—RAINES—On June 13, at the parish church of St. Olave's, York, by the Rev. Canon Raines, incumbent of Milnrow, uncle of the bride, Henry Borron Ffarington, of 2, Morland-terrace, St. James's-road, Croydon, Solicitor, eldest son of the late Henry Ffarington, of Mariebonne, Wigan, Banker, to Lucy, eldest daughter of the late Rev. E. J. Raines, vicar of Stillingfleet, and minor canon of York.

GOODE—SEACOCK—On June 13. Major W. Goode, 64th Regiment, son of Henry Goode, Esq., of Ryde, Barrister-at-Law, to Sarah, only child of G. B. Seacock, Esq.

DEATHS.

ARCHER—On June 13, at Penge, Surrey, Frederick Joseph, youngest child of Joseph Archer, Esq., Solicitor, aged 1 year and 4 months.

DOYLE—On June 8, James Philip Doyle, Esq., Barrister-at-Law, of the Middle Temple, in his 45th year.

MILLER—On June 13, a few hours after birth, the son of Daniel James Miller, Esq., Solicitor.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

DELPRATT, WILLIAM, Surgeon, New-street, Spring-gardens, Reduction of the National Debt of the sum of £66 : 15 : 5 New 3 per Cent. Annuities. Claimed by WILLIAM DELPRATT.

GROOME, JOHN, Esq., Hampton-row, Knightsbridge, & ELIZABETH CATTELL Spinster, Butcher-row, East Smithfield, Reduction of the National Debt of the sum of £170 New 3 per Cent Annuities.—Claimed by WILLIAM KIMPTON, the administrator of Elizabeth Cattell, spinster, the survivor.

REEDER, MARY, Spinster, Cambridge-terrace, Regent's-park, Reduction of the National Debt of the sum of £100 New 3 per Cent. Annuities.—Claimed by MARY REEDER.

London Gazettes.

Winding-up of Joint Stock Company.

UNLIMITED, IN CHANCERY.

TUESDAY, *June* 12, 1860.

THE LAKE BATHURST AUSTRALASIAN GOLD MINING COMPANY.—Barnard *v.* Bagshaw and others.—All persons holders of any of the forty thousand paid-up shares in the Company, of the nominal value of one pound each, and which were delivered to the defendants Nathaniel Iron and Thomas Harvey, on or about Aug. 25, 1852, and having any claim or demand on the assets of the said Company, in respect thereof, are by their solicitors, on or before July 4, to establish their claim or demand, at the chambers of V. C. Wood.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, *June* 12, 1860.

BRYANT, FRANCIS, Esq., Blake-hill, Parkstone, near Poole, Dorsetshire (who died on May 15, 1860). Mayhew, Solicitor, 11, Argyle-place, Regent-street, Middlesex. July 25.

GADSBURY, THOMAS, Gent., 16, Austin-street, Bethnal-green, Middlesex (who died on Jan. 24, 1860). Terrell & Chamberlain, Solicitors, 30, Basinghall-street, London. Aug. 9.

HASSARD, Ross, Surgeon in the Royal Artillery, Jamaica (who died on Dec. 16, 1857). Mordaunt, Solicitor, 1, Warwick-street, Regent-street, London. Nov. 1.

HAYES, FLETCHER FULTON COMPTON, late a Captain in the 62nd Regiment of Bengal Native Infantry, East Indies, and late Military Secretary and Political Assistant to the Commissioner at Lucknow, East Indies (who died on or about June 3, 1857). Crawford, Executor, Brunswick-square, Brighton. Sept. 1.

HILLS, HARRIET, Spinster, 13, Old Steyne, Brighton, Sussex (who died on or about June 19, 1859). Alleyne & Walker, Solicitors, Tonbridge, Kent. Aug. 12.

LEWIS, JOHN, Shoemaker, Montgomery, Montgomeryshire (who died on or about June 13, 1859). James, Administratrix, Grocer, Montgomery. Aug. 1.

LOWE, ROBERT, Gent., Loyd-street, Green Heys, Manchester (who died on Feb. 22, 1860). Vickers & Diggles, Solicitors, 1, Cooper-street, Manchester. Aug. 15.

MITFORD, Rev. JOHN, Clerk, late of Benhall, Suffolk, and of 203, Sloane-street, Chelsea, Middlesex (who died on April 27, 1859). Mayhew & Son, Solicitors, Saxmundham, Suffolk. Aug. 5.

PUGH, ANN, Widow, 157, Regent-street, St. James, Westminster, Middlesex (who died on or about Sept. 12, 1859). Pike & Son, Solicitors, 26, Old Burlington-street, Middlesex. July 16.

RAYNER, BENJAMIN, Coachman, 41, Shouldham-street, St. Marylebone, Middlesex (who died on May 23, 1859). Chappell, Solicitor, 40a, Connaught-terrace, Hyde-park, Middlesex. July 12.

SAMPAYO, ALEXANDRE TEIXEIRA, Baron de Sampayo, late residing at Barnes, Surrey, a Portuguese subject, and an Attaché to the Legation of His most Faithful Majesty the King of Portugal (who died on or about May 11, 1860). Bircham, Dalrymple, & Drake, Solicitors, 46, Parliament-street, Westminster. Sept. 15.

SAMPAYO, FRANCIS TEIXEIRA, Baron de Sampayo, Albemarle-street, Middlesex (who died on or about Jan. 6, 1836). Bircham, Dalrymple, & Drake, Solicitors, 46, Parliament-street, Westminster. Sept. 15.

STAINFORTH, GEORGE, Lieutenant on half-pay in Her Majesty's army, formerly of Hutton, Yorkshire, and late of Nivelles, Belgium (who died on April 27, 1860). Garrard & James, Solicitors, 13, Suffolk-street, Pall Mall, East, London. Aug. 9.

TERRINGTON, WILLIAM, Yeoman, Marshland Fen, and Emneth, Norfolk (who died on Jan. 24, 1859). Terrington, Executor, Innkeeper & Farmer, Hungate Inn, Emneth. June 30.

WATSON, EDMUND, Gent., Manor House, Homerton, Middlesex (who died on May 1, 1860). Watson, Executor, Shumac House, Homerton, Middlesex. Neal, Solicitor, 4 and 5, Pinner's Hall, Old Broad-street, London. July 21.

WHITNALL, WILLIAM, Barge Owner & Merchant, Sawbridgeworth, Hertfordshire (who died on or about Jan. 14, 1860). Unwin, Solicitor, Sawbridgeworth, Herts. July 14.

WRANGHAM, MARTHA ROPER, Widow, 9, Bernard-street, Russell-square, Middlesex (who died on Oct. 24, 1858). Gadsden & Flower, Solicitors, 28, Bedford-row, Middlesex. July 15.

FRIDAY, *June* 15, 1860.

GORDON, Rev. HENRY, Clerk, formerly of St. Mary Hall, University of Oxford, afterwards Chaplain on board H. M. S., Meander, and late Chaplain on board H. M. S., Eurydice (who died on Oct. 27, 1856). Dudding & Danby, Solicitors, Lincoln. Aug. 1.

HAINES, SAMUEL, Gent., late of Dorney House, Weybridge, Surrey, and 3, New Boswell-court, Middlesex (who died on Dec. 23, 1859). Haines & Son, Solicitors, 16, Great Marlborough-street, Middlesex. July 31.

LUDLOW, THOMAS, Farmer & Grazier, Leire, Leicestershire (who died on Feb. 16, 1860). Buck, Solicitor, Lutterworth, Leicestershire. July 30.

MARRIOTT, SOPHIA CATHERINE, Spinster, Newton House, Clifton-upon-Dunsmore, Warwickshire (who died on Jan. 4, 1860). W. & E. Harris, Solicitors, Rugby, Warwickshire. Aug. 1.

MASON, EDWARD, Esq., formerly of Nuneham Villa, Finchley-road, St. John's Wood, afterwards of Upper Clapton, Middlesex, late of Summerhill House, Bath (who died on Mar. 21, 1860). Marten, Thomas, & Hollams, Solicitors, Mincing-lane, London. July 16.

MOORE, JOHN, Esq., Caterina Villa, St. Leonard's-on-Sea, Sussex (who died on April 25, 1860). Shepheard, Solicitor, 24, Moorgate-street, London. Aug. 1.

MORRIS, HENRY WOOD, Gent., Wem, Salop (who died on March 1, last). Owen, Solicitor, Shrubbery, Wem. June 18.

MORTIMER, WILLIAM HENRY, Stone Merchant, 13, Stockwell-park-road, Stockwell, Surrey (who died on April 14, 1860). Mason, Sturt, & Mason, Solicitors, 7, Gresham-street, London. August 1.

NAPIER, Sir, WILLIAM FRANCIS PATRICK, Lieutenant-General in the Army, and a Knight Commander of the Bath, Scinde House, Clapham, Surrey (who died on February 12, 1860). Bircham, Dalrymple, & Drake, 46, Parliament-street, Westminster. August 1.

NAPIER, DAME CAROLINE AMELIA, (widow and relict of Sir William Francis Patrick Napier.) (who died on March 26, 1860). Bircham, Dalrymple, & Drake, 46, Parliament-street, Westminster, Middlesex. August 1.

NOBLE, GEORGE, Brewer, Seaham Harbour, Durham (who died on April 8, 1860). J. J. & G. W. Wright, Solicitors, Seaham Harbour, Durham. September 5.

NORWOOD, EDWARDS, Esq., Doctor of Medicine, Saint Leonards, Sussex, and Willesborough, Kent (who died on July 25, 1859). Francis, Solicitor, 22, Austin Friars, London. August 14.

O'REILLY, ELIZA, Spinster, late of the Convent des Annonciades, Boulogne-sur-Mer, France (who died there on or about July 13, 1859). Robinson & Preston, Solicitors, 35, Lincoln's-inn-fields. July 15.

PRATT, THOMAS, Solicitor, 5, Queen-street, Mayfair, Middlesex (who died on Nov. 29, 1858). Jerwood, Solicitor, 17, Ely-place, Holborn, Middlesex. July 20.

SHIBBRETT, JAMES, Gent., 10, Percy-cottages, Nunhead-green, Peckham,

Surrey (who died on May 10, 1860). Mason, Sturt, & Mason, Solicitors, 7, Gresham-street, London. August 1.

WOOD, HENRY, Tea & Coffee Dealer, Great Bolton, Lancashire (who died on July 16, 1859). Taylor & Son, Solicitors, 1, Mawdesley-street, Bolton-le-Moors, Lancashire. July 17.

WOOD, RICHARD, Surgeon, Wiston, Salop, and of Birmingham (who died on or about March 13, 1860). Saunders, Solicitor, 41, Cherry-street, Birmingham. July 1.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, *June* 12, 1860.

GARRETT, SAMUEL, Innkeeper & Farmer, Kineton, Warwickshire (who died on or about Nov. 25, 1858). Garrett *v.* Garrett, M. R. July 7.

HESKETH, HARRIET, Widow, Beech Lanes, Harbourne, Staffordshire (who died in or about Nov. 1858). Bonser & Others *v.* Kinnear & Others, V. C. Stuart. July 10.

HUTCHINSON, ANN RUSSELL, Widow, Offham, Kent (who died in or about Jan. 1855). Hutchinson *v.* Hutchinson & Others, V. C. Stuart. June 28.

M'CULLOCH, GEORGE, Esq., 44, Connaught-terrace, Paddington, Middlesex (who died on or about Oct. 31, 1859). M'Culloch *v.* M'Culloch & Another, V. C. Stuart. July 21.

MORLEY, ATKINSON, Hotel Keeper, Cork-street, Burlington-gardens, Middlesex (who died in or about July, 1858). Goodwin *v.* Braine, V. C. Stuart. June 30.

WYATT, MARTHA, Widow, Plymouth, Devonshire (who died in or about Dec. 1858. Wyatt *v.* Strong, V. C. Kindersley. July 16.

FRIDAY, *June* 15, 1860.

BAKER, WILLIAM JOHN FORREST, Lieutenant in the Royal Navy, Boulogne-sur-Mer, France (who died in or about July, 1855). Baker *v.* Barber, M. R. July 11.

BERRYHILL, SAMUEL, Gent., Charterhouse-square, St. Botolph, Aldersgate, Middlesex (who died on or about April 9, 1824). Cross & Others *v.* Cross & Others, V. C. Stuart. July 9.

CLAYTON, SYKES, Gent., formerly of Rufforth, Yorkshire, but late residing in Darley Dale, Derbyshire (who died in or about July, 1850). Clayton *v.* Clarke & Others, V. C. Stuart. July 10.

DENT, REV. THOMAS, Grindleton, Yorkshire (who died in or about December, 1852). Preston *v.* Lancaster, M. R. July 9.

GIBSON, WILLIAM, Tavern Keeper, Baker's Coffee-house, Lombard-street, London (who died in or about December, 1849). Gibson *v.* Shaw, M. R. July 12.

GREEN, EDWARD, Innholder, Kinfare, Staffordshire (who died in or about November, 1854). Cook & Others *v.* Green & Others, V. C. Stuart, July 4.

HAYNES, WILLIAM, Alfred-terrace, Alfred-street, St. Dunstan's Stepney, Middlesex (who died in or about January, 1854). Haynes *v.* Jones, M. R. July 2.

HINDMARSH, LUKE, Tanner, Alnwick, Northumberland (who died in or about December, 1833). Crisp *v.* Brown, V. C. Wood. July 2.

HUDSON, WILLIAM JAMES, Wine Merchant, Garlick-hill, London (who died in or about November, 1859). Hudson *v.* Blake, V. C. Wood. July 2.

IVEMEY, ELIZABETH, Gosport, Southampton (who died in or about January, 1858). Batchelor *v.* Ivemey, V. C. Stuart. July 12.

SIMMS, WILLIAM, Esq., Shrewsbury, Salop (who died in or about Dec. 1859). Bull *v.* Newell and Newell *v.* Bull, M.R. July 9.

WEBSTER, WILLIAM, Gent., 26, Alpha-road, Regent's-park, Middlesex (who died in or about Oct. 1859). Farr *v.* Webster, M.R. July 13.

WHITTING, JOSHUA JOHN, Esq., New South Wales (who died on Sept. 8, 1858). Sladen *v.* Whitting and Another, V.C. Wood. July 7.

Assignments for Benefit of Creditors.

TUESDAY, *June* 12, 1860.

HIGGENS, WILLIAM, Grocer & Draper, Sutton Valence, Kent. May 17. *Trustees*, C. Higgens, Gent., Leeds; J. Smith, Auctioneer, Sutton Valence. *Sol.* Kippi: g, Week-street, Maidstone, Kent.

RIDGWAY, WILLIAM, Fringe & Coach Lace Manufacturer, Chester. May 19. *Trustees*, T. Q. Roberts, Woollen Draper & Clothier, Chester; J. Williams, Accountant, Chester. *Sol.* Bridgman, Newgate-street, Chester.

SAUNDERS, WILLIAM, Wine Merchant, Fen-court, Fenchurch-street, London (John M'Kenzie & Co.) May 29. *Trustees*, W. H. Urwick, Wine & Brandy Merchant, 34, Gt. Tower-street, London; N. Clode, Wine & Spirit Merchant, 78, Mark-lane, London; G. Baker, Wine & Spirit Merchant, 76, Mark-lane, London. *Sols.* Lepard & Gammon, 9, Cloak-lane, London.

SAVAGE, EDWARD, Draper, 116, Lower Marsh, Lambeth, Surrey. June 5. *Trustees*, T. Mabyn, Warehouseman, Aldermanbury, London; J. T. Stuttard, Warehouseman, Wood-street, London. *Sols.* Turner & Sole, 68, Aldermanbury.

FRIDAY, *June* 15, 1860.

DODDS, JOHN, Sadler, Berwick-upon-Tweed. June 5. *Trustees*, J. Sanderson, Grocer, Berwick-upon-Tweed; L. T. Fleming, Leather Merchant, Berwick-upon-Tweed. *Sol.* Rowland, Berwick-upon-Tweed.

GRAINGER, JOHN, Timber Merchant, Neath, Glamorganshire. May 30. *Trustees*, J. Bachelor and J. S. Bachelor, Timber Merchants, Cardiff. *Sol.* Stephens, Cardiff.

HARCOURT, HENRY, Ironmonger, Cambridge. May 29. *Trustee*, D. McKenzie, Factor, Birmingham. *Sols.* Hodgson & Allen, 13, Waterloo-street, Birmingham.

HODSON, HENRY, Grocer, Leeds. May 21. *Trustees*, C. Beer, Commission Agent, Leeds; J. Stables, Tea Dealer, Leeds; J. Wigglesworth, Traveller, Thornes, near Wakefield. *Sols.* Middleton & Son, Leeds.

JENNER, ALFRED, Lime Burner, Steyning, Sussex. June 4. *Trustees*, W. H. Hardwick, Coal Merchant, Southwick, Sussex; W. Penfold, Miller, Steyning, Sussex. *Sol.* Ingram, Steyning.

JOHNSON, THOMAS, Grocer, St. Peter-street, Islington, Middlesex. May 17. *Trustee*, F. J. Nash, Wholesale Tea Dealer, Eastcheap, London. *Sol.* Mathews, St. Mary-axe, London.

TREECE, THOMAS, Builder, New Radford, Nottinghamshire. June 9. J. G. Woodward, Timber Merchant, Nottingham; W. Pyatt, Ironmonger, Nottingham; A. Doubleday, Slater, Old Radford, Nottinghamshire. *Sols.* Butlin & Duffy, Nottingham.

WEBSTER, JOHN, Sadler, Bakewell, Derbyshire. June 5. *Trustees*, T. Booth, Tanner, Goatcliffe, Evam Woodland, Derbyshire; J. Tasker, Gutta Percha Manufacturer, 32, Angel-street, Sheffield. *Sol.* Taylor, Bakewell.

WEBSTER, WILLIAM, Cloth Manufacturer, Morley, Yorkshire. June 1. *Trustees*, D. Hirst, Scribbler, Morley, Yorkshire; C. Wilkinson, Woolstapler, Morley, Yorkshire; J. Hodgson and D. Newton, Woolstaplers, Leeds. *Sol.* Clarke, 3, Bank-street, Leeds.

BANKRUPTCIES ANNULLED.

TUESDAY, *June* 12, 1860.

CLEMERSON, HENRY, Ironmonger, Brazier, & General Dealer, Loughborough, Leicestershire. June 1.

MARTIN, WILLIAM GEORGE, Upholder, Chepstow, Monmouthshire. June 8.

FRIDAY, *June* 15, 1860.

DUGGAN, CHARLES SHARPHOUSE, Wholesale Stationer & Account Book Manufacturer, 16, Bridge House-place, Newington Causeway, Surrey. June 14.

Bankrupts.

TUESDAY, *June* 12, 1860.

BAILES, JOSEPH, Leather Seller, Newcastle-upon-Tyne. *Com.* Ellison: June 19, at 11; and July 20, at 12; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sol.* Joel, Newcastle-upon-Tyne, or Pike & Irving, 43, Lincoln's-inn-fields, London. *Pet.* June 5.

BURGON, JOHN TOWRY, Wholesale Hardwareman & Gun Flint Manufacturer, 35, Bucklersbury, London. *Com.* Goulburn: June 23, at 12; and July 23, at 11.30; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Lewis & Watson, 25, Clement's-lane. *Pet.* June 9.

CASWELL, BRAFIELD, Boot & Shoe Manufacturer, Mare Fair, Northampton. *Com.* Goulburn: June 25, and July 30, at 1; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Hand, 22, Coleman-street, City. *Pet.* June 11.

COLEMAN, EDWARD HAYLING, Surgeon & Apothecary, Wolverhampton, Staffordshire. *Com.* Sanders: June 25, and July 16, at 11; Birmingham. *Off. Ass.* Whitmore. *Sol.* Hayes, Wolverhampton; or Hodgson & Allen, Birmingham. *Pet.* June 11.

COOKE, JONATHAN, Joiner & Cabinet Maker, Staincliffe, Batley, Yorkshire. *Com.* Ayrton: July 2 and 30, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Scholes & Son, Dewsbury; or Bond & Barwick, Leeds. *Pet.* June 11.

COOPER, JOHN, Butter Merchant & Commission Agent, Hanging Ditch, Manchester, & Illuminated Glass Manufacturer, Oxford-street, Manchester (Patent Illuminated Glass Company). June 22, and July 12, at 12; Manchester. *Off. Ass.* Hernaman. *Sols.* Hulton & Brett, New Bailey-street, Salford. *Pet.* June 7.

CRIGHTON, THOMAS, Machinist, Peter-street, Manchester. *Com.* Jemmett: June 26, and July 12, at 12; Manchester. *Off. Ass.* Fraser. *Sol.* Hodgson, Manchester. *Pet.* June 5.

CROWLEY, RICHARD, Builder, 53, Waterloo-street, Brighton. *Com.* Evans: June 21, at 2; and July 19, at 1; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Frost, 138, Leadenhall-street. *Pet.* June 8.

FAVELL, STEPHEN, Coach Builder, Bourn, Lincolnshire. *Com.* Sanders: June 28, and July 19, at 11.30; Shirehall, Nottingham. *Off. Ass.* Harris. *Sol.* Maples, Nottingham. *Pet.* June 8.

FERGUSSON, JAMES WILLIAM, Bookseller & Publisher, 11, Paternoster-row, & New-court, Middle Temple, London. *Com.* Fonblanque: June 21, at 12.30; and July 25, at 1; Basinghall-street. *Off. Ass.* Stansfeld. *Sol.* Chidley, 10, Basinghall-street, London. *Pet.* June 7.

GILKS, CHARLES HENRY, Ironmonger & Gun Manufacturer, 3, Union-row, Tower-hill, and 327, Wapping, Middlesex. *Com.* Holroyd: June 22, at 2.30; and July 24, at 12; Basinghall-street. *Off. Ass.* Lee. *Sols.* Walter & Moojen, 8, Southampton-street, Bloomsbury, London. *Pet.* June 9.

HALL, JAMES, Innkeeper, Monmouth, & Brick Maker, Newland, Gloucestershire. *Com.* Hill: June 26, and July 31, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Bevan, Girling, & Press, Bristol. *Pet.* June 8.

HALL, SHIRLEY, Carpenter & Builder, Oldswinford, Worcestershire. *Com.* Sanders: June 25, and July 16, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* James & Knight, Birmingham, for Harward, Stourbridge. *Pet.* June 9.

KIALLMARK, GEORGE WILLIAM BRYANT, Cement Manufacturer, Puriton, Somerset. *Com.* Andrews: June 27, and July 25, at 1; Exeter. *Off. Ass.* Hirtzel. *Sols.* Turner & Hirtzel, Exeter. *Pet.* May 28.

MURLEY, JOHN, Carriage & Cab Builder, St. Chad's Wells, Gray's-inn-road, Middlesex. *Com.* Fane: June 21, at 1; and July 20, at 11.30; Basinghall-street. *Off. Ass.* Cannan. *Sols.* Dawson & Bryan, 33, Bedford-row. *Pet.* June 9.

NOAK, WALTER, JOHN NOAK, & JOHN BISSELL CLARK, Salt Manufacturers, Droitwich, Worcestershire (W. & J. Noak). *Com.* Sanders: June 22, and July 12, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Dingham & Ebsworth, Walsall. *Pet.* June 9.

SWEETLOVE, THOMAS, Chemist & Druggist, Great Bridge, Staffordshire. *Com.* Sanders: June 22, and July 12, at 11; Birmingham. *Off. Ass.* Whitmore. *Sol.* Sill, Birmingham. *Pet.* June 8.

FRIDAY, *June* 15, 1860.

ALLEN, CHARLES, Grocer, Risca, Monmouthshire. *Com.* Hill: June 26, and July 24, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Wood, Bristol; or Bevan, Girling, & Press, Bristol. *Pet.* June 5.

BALLARD, HENRY PRATT, & SAMUEL NEWSOME, Ribbon Manufacturers, Coventry. *Com.* Sanders: June 29, and July 30, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* James & Knight, Birmingham; or Dewes, Coventry. *Pet.* June 12.

COHEN, MORRIS, Dealer in Glass, China, & Fancy Goods, 177, Commercial-road, Landport, Hants. *Com.* Goulburn: June 27, at 1; and July 30, at 12.30; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Solomon, 22, Finsbury-place, Finsbury, London. *Pet.* June 11.

COOPER, HENRY, Shoe Manufacturer, 10a, Great Cambridge-street, Hackney-road, Middlesex, and 10, Pownall-terrace, Queen's-road, Dalston *Com.* Fane: June 29, at 12.30; and July 27, at 1; Basinghall-street. *Off. Ass.* Whitmore. *Sols.* Sole, Turner, & Turner, 68, Aldermanbury, London. *Pet.* June 7.

ENGLAND, CHARLES, Currier & Leather Dresser, Burton-upon-Humber, Lincolnshire. *Com.* Ayrton: July 4, and August 1, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* C. E. & F. F. Ayre, Kingston-upon-Hull. *Pet.* June 13.

FULFORD, JOSEPH, Brewer, Manchester. *Com.* Jemmett: June 26, and July 19, at 12; Manchester. *Off. Ass.* Hernaman. *Sol.* Gartside, Manchester. *Pet.* May 5.

MOWBRAY, JOHN, Miller & Baker, Sherwood Rise, Radford, Nottinghamshire. *Com.* Sanders: June 28, and July 19, at 11; Nottingham. *Off. Ass.* Harris. *Sols.* Hunt & Son, Weekday-cross, Nottinghamshire. *Pet.* June 12.

SEATON, GEORGE, Currier, Kingston-upon-Hull (J. M. Seaton & Son). *Com.* Ayrton: July 4, and August 1, at 12; Kingston-upon-Hull. *Off*

Ass. Carrick. *Sols.* Lightfoot, Garnshaw, & Frankish, Kingston-upon-Hull. *Pet.* June 9.

Stapley, William Albert, Shoe Mercer & Grindery Dealer, 1, Old Compton-street, Soho, Middlesex. *Com.* Fonblanque: June 28, at 11.30; and July 25, at 1.30; Basinghall-street. *Off. Ass.* Stansfield. *Sol.* Stubbs, 46, Moorgate-street, London. *Pet.* June 19.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *June* 12, 1860.

Appleton, Oliver, Trimmer & Dyer, Leicester. July 12, at 11; Nottingham.—**Axford, John, & Charles Greenslade**, Timber & Slate Merchants, Bridgwater, Somersetshire (Axford & Co.) July 11, at 12; Exeter.—**Cawton, Joshua, & Edward Wood**, Commission Agents, Bradford. July 5, at 11; Leeds.—**Chapman, John**, Grocer & Provision Dealer, Hartlepool, Durham. July 6; Newcastle-upon-Tyne.—**Hay, Richard**, Butcher & Ship Owner, North Shields. July 6, at 12.30; Newcastle-upon-Tyne.—**Henderson, James**, Draper, Nottingham. July 12, at 11; Nottingham.—**Jelley, Francis**, Jun., Brewer & Seed Merchant, Stamford, Lincolnshire. July 12, at 11; Nottingham.—**Kirk, William, John Wale, & John Kirk**, Coal & Timber Merchants, Mountsorrel, Leicestershire. July 5, at 11; Nottingham.—**Leaman, Thomas Leaman Hunt**, Attorney & Money Scrivener, Paignton, Devonshire. June 25, at 1; Exeter.—**Merriman, James**, Lace Manufacturer, Hyson-Green, Nottinghamshire. July 5, at 11; Nottingham.—**Morgan, Samuel Whitfield**, Stock & Share Broker, 38, Throgmorton-street, London. July 5, at 11.30; Basinghall-street.—**Strahan, William**, Sir John Dean Paul, Bart., & Robert Makin Bates, Bankers, 217, Strand, Middlesex. June 30, at 11; Basinghall-street. Sep. est. of Sir John Paul.—**Smith, William**, Ship Owner, South Shields. June 20, at 1; Newcastle-upon-Tyne.—**Stirton, John Andrew**, Grocer & Oil & Colourman, 15, Chandos-street, Covent-garden, Middlesex. July 4, at 12; Basinghall-street.—**Walker, John**, Hotel Keeper & Lodging-house Keeper, 20, Upper Seymour-street, Edgware-road, Paddington, Middlesex. July 4, at 12; Basinghall-street.—**Wood, James**, Cheese Factor, Shude-hill, Manchester. July 4, at 12; Manchester.—**Wyatt, John**, Licensed Victualler & Butcher, Chipping Campden, Gloucestershire. July 5, at 11; Bristol.

FRIDAY, *June* 15, 1860.

Allington, John, Grocer, TeaDealer & Cheesemonger, Norwich. July 10, at 1; Basinghall-street.—**Axford, John, & Charles Greenslade**, Timber & Slate Merchants, Bridgwater (Axford & Company). July 25, at 1; Exeter.—**Bach, Henry**, Hosier, Sheffield. July 7, at 10; Sheffield.—**Batchelor, Henry**, Chemical Manure Manufacturer, 50, Mark-lane, London, and of Bullhead Dock wharf, Rotherhithe, Surrey. July 10, at 1; Basinghall-street. **Baxter, William Robert, & Frederick George Baxter**, Curriers & Leather Merchants, Constitution-hill, Birmingham (Baxter Brothers). July 9, at 11; Birmingham.—**Black, William**, Builder, Prospect House, Charles-street, Saint James'-road, Holloway, Middlesex, June 25, at 11; Basinghall-street.—**Cahn, David**, Merchant, 3, Leadenhall-street, London. July 6, at 11.30; Basinghall-street.—**Calvocoressi, Antonio**, Merchant, Manchester. July 16, at 12; Manchester.—**Collingbourne, Henry**, Ribbon and Trimming Manufacturer, Vauxhall Mills, Foleshill, near Coventry. July 9, at 11; Birmingham.—**Culverwell, John**, Miller & Corn Dealer, Washford Mills and Williton Mills, Somersetshire. July 18, at 1; Exeter.—**Dangerfield, William**, Victualler, Cheltenham. July 12, at 11; Bristol.—**Edward, Elliott**, Quarryman, Builder, and Dealer in Manures, Sandgate, and Quay Walls, Berwick-upon-Tweed. June 10, at 12; Newcastle-upon-Tyne.—**Follett, Henry**, Ship Builder, Dartmouth. July 9, at 1; Liverpool.—**Griffiths, Samuel**, Broker & Merchant, Wolverhampton. July 9, at 11; Birmingham.—**Harris, Josiah**, Coal Merchant, Highweek, Devonshire. June 25, at 1; Exeter.—**Haywood, Robert**, Grocer & Cheesemonger, 5, High-street, Homerton, Middlesex. July 6, at 1; Basinghall-street.—**Jamieson, John**, Sail Cloth Dealer & Sack Maker, 13, Bishopsgate-street Without, London. July 9, at 11; Basinghall-street.—**Leno, Panayotti Demetrius**, Merchant, 1, Great Winchester-street, London. July 6, at 11.30; Basinghall-street.—**Lindop, William**, Brush Manufacturer, Newcastle-under-Lyme, Staffordshire. July 9, at 11; Birmingham.—**Manning, William Adams**, Dealer in Corn, Grass, & Clover Seeds, Totnes, Devonshire. July 9, at 1; Exeter.—**Pook, William**, Grocer & Tea Dealer, New Bridge-street, Exeter. July 18, at 1; Exeter.—**Pye, George**, Flax Dresser, Manufacturer, & Dealer, Foundation-street, Ipswich, Suffolk. July 9, at 12; Basinghall-street.—**Rogers, Henry James**, Surgeon & Apothecary, Callington, Cornwall. July 9, at 1; Exeter.—**Slade, John, & James Tally Vining**, Attorneys & Money Scriveners, Yeovil, Somersetshire. July 11, at 1; Exeter; sep. ests. of both bankrupts.—**Spencer, James Smith**, Wine Merchant, 46, Great Russell-street, Bloomsbury, Middlesex. July 10, at 2; Basinghall-street.—**Wood, George**, Builder, Rayleigh, Essex. June 10, at 12; Basinghall-street.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *June* 12, 1860.

Birt, William, Boot & Shoe Maker, Liverpool. July 3, at 11; Liverpool.—**Bowra, Matthias Edward**, Manufacturer of Patent Elastic Spring Beds & Cushions for the permanent way of Railways, Bridge-street, Birmingham. July 6, at 11; Birmingham.—**Claridge, James Edward**, Drover & Cattle Salesman, Hill Croome, Worcestershire, and Charlborough, Oxfordshire. July 5, at 11; Birmingham.—**Cope, Joseph**, China Manufacturer, Longton, Staffordshire. July 5, at 11; Birmingham.—**Dowell, James**, Licensed Victualler, Dudley-street, Birmingham. July 5, at 11; Birmingham.—**Powning, Tristram**, Grocer & Tea Dealer, Truro, Cornwall. July 4, at 1; Exeter.—**Wilkes, Charles**, Miller, Bloxwich, Staffordshire, and Tipton, Staffordshire. July 6, at 11; Birmingham.

FRIDAY, *June* 15, 1860.

Abbey, John, Builder, 14, Carlisle-street, Soho-square, Middlesex. July 9, at 11; Basinghall-street.—**Bell, Joseph**, Shipwright & Boat Builder, Liverpool. July 6, at 12; Liverpool.—**Cobby, Henry**, Builder, 3, Manchester-villas, Townshend-road, Regent's-park, Middlesex. July 6, at 1.30; Basinghall-street. — **Gostling, Samuel**, Butcher & Cattle Dealer, Castle Acre, Swaffham, Norfolk. July 10, at 1; Basinghall-street.—**Harris, William**, Hay & Cattle Dealer, Stoke Prior, Worcestershire. July 6, at 11; Birmingham.—**Underwood, John**, Wholesale Stationer & Ink Manufacturer, M'Lean's buildings, New-street-square, London (Underwood & Co.) July 9, at 12.30; Basinghall-street.—**Spencer, James Smith**, Wine Merchant, 46, Great Russell-street, Bloomsbury, Middlesex. July 10, at 2; Basinghall-street.—**Stevens, William**, British Wine Merchant, 6, Three Crown-square, Southwark, Surrey. July 6, at 12; Basinghall-street.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *June* 12, 1860.

Elliman, James, Clothier & Draper, Slough, Buckinghamshire. June 6, 2nd class.—**Ellis, William**, Ship Joiner, 38, Pennyfields, Poplar, Middlesex. June 6, 3rd class.—**Harris, William, & William West**, Drapers, Kingston-upon-Hull (William Harris and Co.) June 6, 3rd class, subject to a suspension of six calendar months from June 6.—**Henderson, James**, Draper, Nottingham. June 5, 3rd class.—**Leeman, John Green**, Draper, Ilkeston, Derbyshire. June 5, 3rd class.—**Lilley, Thomas**, Merchant Tailor, North Shields. June 6, 1st class.—**McClure, James**, General Merchant, late of Manchester, but now of Sale, Chester. June 6, 2nd class.—**Perkins, John**, Haberdasher & General Merchant, Oakham, Rutlandshire. June 5, 2nd class.—**Scott, James**, Millwright, Tweedmouth, Berwick-upon-Tweed. June 7, 3rd class.—**Stevenson, Samuel**, Dealer in Yarns, Leicester. June 5, 3rd class.—**Ward, Samuel**, Dealer in Osiers, Croxall, Derbyshire. June 5, 3rd class; after a suspension of three months.

FRIDAY, *June* 15, 1860.

Barnaschinna, Anthony, General Dealer, 16, New-road, Gravesend, Kent. June 4, 3rd class.—**Beale, Miles**, Iron & Brass Founder, & Engineer, Saint Leonard's Iron Works, Gray-street, Poplar, Middlesex. June 8, 2nd class.—**Bell, William Moncrieff**, Draper, Liverpool. June 11, 2nd class.—**Bogle, William**, Hop & Seed Merchant, Bristol-street, Birmingham. June 8, 2nd class.—**Cahn, David**, Merchant, 3, Leadenhall-street, London. June 8, 2nd class.—**Cole, Richard Lockington**, Merchant, late of 80, Cornhill, London, and now of 46, Lime-street, London. June 6, 3rd class.—**Dray, William**, Farmer, Agricultural Implement Maker & Seller, Farningham, Kent, formerly carrying on business at Adelaide-place, London Bridge (William Dray & Co.) June 9, 1st class.—**Langridge, Christopher, & Joseph Midgley**, Drysalters, Manchester. June 13, 1st class to Christopher Langridge, same time Joseph Midgley, 2nd class.—**Lowe, John**, Printer & Publisher of the *Cheltenham Chronicle*. June 11, 2nd class, after a suspension of one month with protection.—**Mills, Thomas**, Elastic Web Manufacturer, Leicester. June 19, 3rd class.—**Newton, James**, Hop Merchant, 97, High-street, Southwark, Surrey, & 9, Grosvenor-park. July 11, 3rd class.—**Poor, William**, Grocer and Tea Dealer, New Bridge-street, Exeter. June 8, 2nd class.—**Portman, Solomon**, Innkeeper, Oldbury, Worcestershire. June 11, 3rd class, after three months suspension.—**Slader, Eleazer**, Grocer and Beershop Keeper, Bridport, Dorsetshire. June 8, 3rd class, subject to a suspension for twelve months.—**Smart, Henry**, Printer, Bookbinder, & Stationer, Gloucester. June 11, 1st class.—**Taylor, Peter**, Victualler & Ironmonger, Bridge-street, Saffron Walden, Essex. June 8, 1st class.—**Warburton, John Slack, & William Stevenson**, Timber Merchants, Manchester (Warburton & Stevenson). **Webster, John**, Joiner & Builder, Wavertree, Liverpool. June 4, 2nd class, subject to a suspension for six months.—**Wilson, Henry James**, Surgeon & Apothecary, Whitchurch, Salop. June 11, third class.—**Wootton, Abraham**, Timber Merchant, Bloxwich, Stafford. June 8, second class.

Scotch Sequestrations.

TUESDAY, *June* 12, 1860.

Chisholm, Duncan Macdonell, Esq., Chisholm and Aigas, Inverness-shire and Ross-shire, and Wilton-place, London. June 15, at 2; Cay & Black's Rooms, 65A, George-street, Edinburgh. *Seq.* June 8.

Fraser, James, Farmer, Mossend, Dallas. June 19, at 12; Gordon Arms Hotel, Elgin. *Seq.* June 9.

Ingram, Alexander, Farmer, Easter Walkerhill, Aberdeen. June 15, at 12; Library of the Society of Solicitors of Banffshire, Law-street, Banff. *Seq.* June 8.

Livingston, James, Manufacturer, Dundee. June 16, at 11; Royal Hotel, Dundee. *Seq.* June 7.

Miller, James Polland, Commission & Insurance Agent, 55, Glassford-street, Glasgow. June 19, at 12; Faculty-hall, St. George's-place, Glasgow. *Seq.* June 8.

Rostron, John, Manufacturer & Agent, lately residing at Sunny-hill, Cheetham-hill, Lancaster, presently residing at 43, Princes-street, Edinburgh. June 20, at 2; Dewar's Sale-Rooms, 18, Waterloo-place, Edinburgh. *Seq.* June 8.

Simpson, John, Brownhot, Carnwath, Lanarkshire, June 15, at 2; Dowells & Lyon's Rooms, 18, George-street, Edinburgh. *Seq.* June 5.

FRIDAY, *June* 15, 1860.

Gillan, John, & Co. Wine & Spirit Merchants, Forres. June 19, at 1; Fraser's Hotel, Forres. *Seq* June 8.

Smith, John, Innkeeper, Stewarton. June 19, at 1; Crown Hotel, Cheapside-street, Kilmarnock. *Seq.* June 11.

Sullivan, Robert Desmond, Shipowner, Waterloo-place, Edinburgh, and lately of Bottisdale, Suffolk. June 19, at 12; Dowells & Lyon's Sale-rooms, 18, George-street, Edinburgh. *Seq.* June 9.

SOCIETY FOR PROMOTING THE EMPLOYMENT OF WOMEN, Established in connection with the National Association for the Promotion of Social Science.

PRESIDENT.
THE EARL OF SHAFTESBURY.

VICE PRESIDENTS.
THE LORD BISHOP OF LONDON.
THE LORD BISHOP OF OXFORD.
VICE CHANCELLOR SIR WILLIAM PAGE WOOD.
RIGHT HON. W. E. GLADSTONE.

This Society has opened a Law Copying Office at 12, Portugal-street, W.C., where the work is executed under able superintendence with punctuality and accuracy, and at the usual charges.

The Committee in returning thanks to those solicitors who have already patronised the office, desire earnestly to appeal for further support in their efforts to procure an honourable subsistence for a class of women hitherto driven to seek their livelihood in precarious and overcrowded employments.

REVERSIONS AND ANNUITIES.

LAW REVERSIONARY INTEREST SOCIETY, 68, CHANCERY LANE, LONDON.

CHAIRMAN—Russell Gurney, Esq., Q.C., Recorder of London.

DEPUTY-CHAIRMAN—Nassau W. Senior, Esq., late Master in Chancery.

Reversions and Life Interests purchased. Immediate and Deferred Annuities granted in exchange for Reversionary and Contingent Interests.

Annuities, Immediate, Deferred, and Contingent, and also Endowments, granted on favourable terms.

Prospectuses and Forms of Proposal, and all further information, may be had at the Office. C. B. CLABON, Secretary.

BRITISH MUTUAL INVESTMENT, LOAN and DISCOUNT COMPANY (Limited), 17, NEW BRIDGE-STREET, BLACKFRIARS, LONDON, E.C.

Capital, £100,000, in 10,000 shares of £10 each.

CHAIRMAN.
METCALF HOPGOOD, Esq., Bishopsgate-street.

SOLICITORS.
Messrs. COBBOLD & PATTESON, 3, Bedford-row.

MANAGER.
CHARLES JAMES THICKE, Esq., 17, New Bridge-street.

INVESTMENTS.—The present rate of interest on money deposited with the Company for fixed periods, or subject to an agreed notice of withdrawal is 5 per cent. The investment being secured by a subscribed capital of £85,000, £70,000 of which is not yet called up.

LOANS.—Advances are made, in sums from £25 to £1,000, upon approved personal and other security, repayable by easy instalments, extending over any period not exceeding 10 years.

Prospectuses fully detailing the operations of the Company, forms of proposal for Loans, and every information, may be obtained on application to JOSEPH K. JACKSON, Secretary.

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important Freehold Estates in ELM and UPWELL, in the Isle of Ely, Cambridgeshire.

MR. JONAS PAXTON is directed by the Proprietors to Offer for SALE, by PUBLIC AUCTION, on TUESDAY, the 24th of JULY next, at the AUCTION MART, BARTHOLOMEW LANE, LONDON,

THE COLDHAM ESTATE,

Containing 2,245 acres of prime Arable and Grazing Land, producing a net rental of nearly £4,000 per annum, and comprising the following Farms.

IN ELM.

The Coldham Hall Farm,	of 660a., in the occupation of Mr. John Brown.
Stags Holt Farm,	of 505a., in the occupation of Mr. Wm. Little.
Maltmas House Farm,	of 340a., in the occupation of Mr. W. Nicholson.
Friday Bridge Farm,	of 300a., in the occupation of Mr. S. S. Sculthorpe.
Coldham Road Farm,	of 320a., in the occupation of Mr. Henry Johnson.

IN UPWELL.

The River Side Farm	of 120a., in the occupation of Mr. John Ream.

The several residences and farm buildings are of a class suited to the occupations.

The estate has independent internal means of drainage into the river Nene, and is rendered perfect by the recent works effected by the Middle Level Drainage Commissioners. It has never before been in the market, is tenanted by most substantial occupiers, has long been considered as unequalled by any other lands of the district, and affords an opportunity rarely to be met with for first class investments of capital.

Particulars with plans and conditions of sale will be published by the beginning of June, and may then be had of THOMAS TUSTING, Esq., Land Agent, March; Messrs. GARRARD & JAMES, Solicitors, 13, Suffolk-street, Pall Mall East, London, S. W.; of the Auctioneer, Mr. JONAS PAXTON, Bicester, Oxon; and at the AUCTION MART.

NORFOLK.

By order of Executors. Undeniable Investment. A Rent-charge of £26 9s. 4d. per annum, arising under the Copyhold Acts, and secured on a valuable property in the above county.

MESSRS. DEBENHAM & TEWSON have received instructions to SELL, at the MART, on MONDAY, the 18th day of JUNE, at TWELVE o'Clock (unless previously disposed of by private contract), an ANNUAL RENT-CHARGE of £26 9s. 4d., payable half-yearly, secured upon divers messuages and upwards of fifty-five acres of rich land, situate in the parish of Great Plumstead, in the county of Norfolk, the annual value of which is at least five times in excess of the said rent-charge. In point of security nothing, therefore, can be more eligible.

Particulars may be obtained of Messrs. RUDDEN, 68, Wimpole-street, Cavendish-square; and at the Auctioneers' Offices, 8, Cheapside.

TO BE SOLD, pursuant to an Order of the Court of Chancery, made in a cause Archer *v.* Feist, with the approbation of the Vice-Chancellor Sir Richard Torin Kindersley, by Mr. EBENEZER FEIST, the person appointed for the purpose, at the FOX INN, in BURWELL, in the County of Cambridge, on FRIDAY, the 29th day of JUNE, 1860, at SIX o'clock in the Evening.

A Small COPYHOLD ESTATE, situate at Burwell, in the County of Cambridge, in Two Lots, comprising a Dwelling House, with detached stable, granary, and other outbuildings, and an orchard and close of pasture ground, containing 1a. 3r. 34p. in the occupation of Mr. Richard Ball.

Two double Tenements, with gardens and lodges in the occupation of George Hills, Elizabeth Warren, Robert Durrant, and George Bitten, and a close of arable land, containing 1 rood and 36 perches, in the occupation of Stephen Warren.

Printed particulars and conditions of sale may be obtained in London, of Messrs. ALDRIDGE & BROMLEY, Solicitors, 1, South-square, Gray's-inn; of Messrs. PALMER, PALMER, & BULL, Solicitors, Bedford-row; and in the Country of Messrs. KITCHENERS & FENN, Solicitors, Newmarket; of the Auctioneers, Newmarket; and at the Fox Inn, Burwell.

Freehold Ground-rents and Houses, producing nearly £300 per annum.

MESSRS. WINSTANLEY have received instructions from the trustees of the late Mrs. Jane Prescott, to OFFER for SALE by AUCTION, at the MART, Bartholomew-lane, on THURSDAY, the 21st of JUNE, in Seven Lots.

The following Desirable Freehold Houses; viz.:—

No. 1, St. James'-terrace, Park-hill, Clapham, let at a ground-rent of £7 12s. 6d. per annum.

Nos. 2, 3, and 4, St. James'-terrace, let together at a ground-rent of £22 7s. 6d. per annum, for a term which will expire in 1904.

The Capital Residence with Pleasure Grounds, &c., situate on the north side of St. James' Church, Park-hill; let at a ground-rent of £45 per annum, for a term which will expire in 1915. Also

Four Detached Residences with Gardens, &c., being Nos. 2, 3, 4, and 5, Park-hill-villas, let on separate leases for short terms to highly responsible tenants, at rents amounting to £221 10s. per annum.

The houses may be viewed twenty-one days previous to the sale, by cards only, which with printed particulars may be obtained, of Messrs. WINSTANLEY, Paternoster-row, (E.C.) Particulars may also be had of Messrs. MURRAY, SON, & HITCHINS, Solicitors, No. 11, Birchin-lane, (E.C.); at the Plough, Clapham; George, Balham; and at the place of Sale.

Desirable Freehold Residence, with ornamental Pleasure Grounds and Land, in the best part of Peckham-rye, with immediate possession.

MESSRS. BEADEL & SONS are instructed by the Executor of the late Thomas Cox Savory, Esq., to SELL by AUCTION, at the MART, LONDON, on TUESDAY, JULY 3, at TWELVE for ONE, the very capital FAMILY RESIDENCE, now in the occupation of Mrs. Morris, whose tenancy expires at Midsummer next, pleasantly situate on the rising ground on the north side of the common, containing three handsome reception rooms, nine bed rooms, &c., complete offices, stabling, coach-house, and gardener's cottage. The pleasure grounds are well laid out, and contain a vinery, forcing house, &c., and with the kitchen garden and paddock comprise an area of about four acres. The situation of this property is most desirable, being only 4½ miles from town, and scarcely four from the Crystal Palace.

Particulars and conditions of sale, with plan, may be obtained of C. SHEPHEARD, Esq., 24, Moorgate-street; at the Mart; and of Messrs. BEADEL & SONS, 25, Gresham-street, London, and Chelmsford, Essex, of whom only cards to view may be had.

BRIGHTON.

First-class Business Premises, with Residence, No. 71, East-street, being a further portion of the Property of the late Thomas Cox Savory, Esq.

MESSRS. BEADEL & SONS are instructed to offer for SALE, by public AUCTION, at the MART, London, on TUESDAY, JULY 3, at TWELVE for ONE, the desirable PREMISES, known as No. 71, East-street, close to the King's-road, Brighton; comprising the capital chymist's shop and dwelling-house, together with the drug house, buildings, and yard in the rear, with an entrance from Steine-place. This property is copyhold of the manor of Artlingworth, and is in the occupation of Messrs. T. A. Brew and Co., for the residue of a term of 28 years from Midsummer, 1836, at a rent of £105 per annum.

May be viewed by permission of the tenants, and particulars and conditions of sale had of C. SHEPHEARD, Esq., 24, Moorgate-street, London; at the Old Ship Hotel, Brighton; at the Mart; and of Messrs. BEADEL & SONS, 25, Gresham-street, London, E.C., and Chelmsford, Essex.

CORNHILL.

First-class Leasehold Premises, forming part of the estate of the late T. C. Savory, Esq.

MESSRS. BEADEL & SONS are favoured with instructions to SELL by public AUCTION, at the MART, Bartholomew-lane, London, on TUESDAY, JULY 3, at TWELVE for ONE o'clock, the capital PREMISES, known as 51, 52, and 53, Cornhill, and 1, St. Peter's-alley, held under two leases from Sir J. P. Wood, Bart., at rents amounting to £74, let on lease to highly respectable tenants, at rents amounting to £926 per annum, the lessees being bound to keep the property in repair and insure. The several houses are underlet to Messrs. Fribourgh and Freyer, Messrs. Shrewsbury and others, Mr. Berdoe, and Mr. Turner. This property affords an unusually attractive opportunity for investment, as the premises are admirably situate, and command first-class tenants, at good rents.

Particulars may be had of C. SHEPHEARD, Esq., 24, Moorgate-street; at the Mart; and of Messrs. BEADEL & SONS, 25, Gresham-street, London, and Chelmsford, Essex.

We cannot notice any communication unless accompanied by the name and address of the writer.

**** Any error or delay occurring in the transmission of this Journal should be immediately communicated to the Publisher.*

THE SOLICITORS' JOURNAL.

LONDON, JUNE 23, 1860.

CURRENT TOPICS.

The Commission on the Defences of the Kingdom have put some questions to Mr. Headlam, the Judge-Advocate. In answer, he cites 3 & 4 Will. 4, c. 4, to show that it is the prerogative of the Crown, for the public safety, to resort to the exercise of martial law. But, on the other hand, he refers to the recital in the Annual Mutiny Acts, that no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by judgment of his peers, and according to the laws of the realm. The Petition of Right (3 Car. 1), and the Bill of Right (1 W. & M., s. 2, c. 2), moreover, declare martial law to be contrary to the laws and statutes of the realm. Mr. Headlam quotes the definition of martial law given by the Duke of Wellington, which is, that it is "the will of the general who commands the army; for the military authorities are to do whatever they think expedient, overruling all private interests and rights of property." The constitutional propriety of the exercise of this right of the Crown is to be determined by the subsequent decision of Parliament, which must be asked to establish the legality of the acts done under the proclamation, by a bill of indemnity to the ministry. In answer to the further question, whether he has considered of any plan for securing to individuals compensation in such cases where it can be justly claimed, without rendering the Government liable for all the casualties of war, the Judge-Advocate states that the case must be dealt with by Parliament according to its circumstances, and that as this is an assumption of power only to be justified by necessity, and not a part of the law, but overruling and superseding the law, it would not be expedient to enact as part of the regular law of the land a formal plan for compensation for injuries inflicted during a state of circumstances so extraordinary and anomalous.

A return of the revenue of the Court of Probate and Divorce has been printed, pursuant to an order of the House of Lords. It is as follows:—

1858.			
Court of Probate	£51,813	0	6
Court of Divorce	1,549	18	6
	£52,362	19	0
1859.			
Court of Probate	£52,657	16	0
Court of Divorce	2,414	5	0
	£55,072	1	0

The twenty-fifth annual report of the Inspectors of Prisons for the Southern District has been presented to Parliament, according to the requirements of the 5 & 6 Will. 4, c. 38. The most noticeable feature is the reduction which is taking place in the number of their inmates, amounting in many instances to thirty, and in some to sixty per cent. within a year or two. This is attributed partly to the general prosperity of the country, and to the large increase which has taken place in the regular army, the militia, and the navy; and partly to the increased general demand for labour throughout the country; but also in a considerable degree to the reforming influence of the prevailing system of prison discipline. The houses of correction in Middlesex, in 1859, received only 12,927 prisoners, while the number in 1857 was 17,729; so in the Surrey House of Correction, in 1859, the number was only 3,565, while in 1857, it amounted to 5,761. Productive labour appears to be every year more extensively resorted to, in place of the hard-labour cranks and treadmills. The difference of the average costs of prisoners in different prisons in the same district is very remarkable; nor is there any attempt to account for it. We present below a tabular view, showing this difference in a few instances.

Jail.	Annual cost of each prisoner.
Reading	£31 5 4
Abingdon	48 16 8
Aylesbury	33 9 11
Plymouth	22 4 3
Devonport	19 3 10
Tiverton*	81 17 11
Clerkenwell	28 17 7
Cold Bath-fields	19 2 0
Westminster	18 7 7
Newgate	57 3 5
Wandsworth	21 0 0

The third report of the Inspector appointed under the provision of the 5 & 6 Will. 4, c. 38, to visit reformatory schools of Great Britain, has also been published.

We believe that an attempt is being made to assimilate the folio in the Bankruptcy Court, where it is the practice to count ninety words to the folio, to the ordinary standard of seventy-two words. The common law folio has long, and the Chancery folio has recently, been limited to seventy-two words. There appears to be no reason why there should be any difference in this respect in Bankruptcy proceedings. It is hoped, that if necessary, a clause may be introduced into the Bankruptcy Bill now before Parliament, or that the Bankruptcy chief judge may be empowered, to make an order reducing the number of words in a folio to seventy-two in all cases in that court where ninety words are now calculated.

THE LAW AND EQUITY BILL.

The Common Law Commissioners have issued their reply to the objections of the equity judges against the Law and Equity Bill, and the Lords have determined to refer the Bill itself to a Select Committee. The present time seems, therefore, appropriate for a brief consideration of its merits, at least to the extent of examining the correctness of the statement, somewhat rashly hazarded by a contemporary, that "ultimately a measure like that of the Law and Equity Bill must be enacted;" and that, if postponed, "the profession and the public, taking notice of the measure itself, and the character of the opposition to it," will "insist upon its becoming the law of the land."†

The Bill contains sixty-eight sections, and may be advantageously considered as consisting of five parts. The preamble is in the following words:—"Whereas it is desirable further to improve the process, practice, and mode of pleading in, and to enlarge the jurisdiction of, the Superior Courts of Common Law, and to insure that in every suit therein the right of the parties may be satisfactorily determined by the Court in which the suit is commenced; be it, &c."

The object then, as stated in the Bill itself, is threefold—

1. To improve the practice of the Common Law Courts;

* There is an explanation of the high average of cost given here. It is that the average of prisoners is so low.

† Law Mag., No. 17, p. 164.

2. To enlarge their jurisdiction; and

3. To insure that complete justice may always be done in one court, *when that court is a court of common law.*

To the first object are directed sects. 42 to 64 inclusive, which may be denominated the third part of the Bill. To these sections (except sect. 57, which will be hereafter mentioned) no valid objection seems to apply, except that they ought rather to be contained in "An Act to amend the Common Law Procedure Act, 1854," than in the Bill now before us, to the principal part of which they are entirely foreign.

To the second object, as distinguished from the third, are directed sects. 1 to 8 and 24 to 31 inclusive, and to the second and third objects conjointly, sects. 9 to 23, and 32 to 41 inclusive; which several sets of sections, though not consecutively arranged, may, for convenience, be referred to as the first and second parts of the Bill respectively.

Besides these, the Bill contains certain provisions of a formal nature in sects. 65, 66, and 67, which may be set apart as the fourth part thereof; and also (in sect. 68, or the fifth part), a provision excluding Ireland and Scotland from the operation of the Act. Of the fourth and fifth parts it may be sufficient to say, that if the Bill would produce a beneficial change in our legal system, no sufficient reason appears for excluding Ireland from such benefit; if not, no good ground is established for inflicting it upon England. From the nature of the case it is utterly inapplicable to Scotland.

And at the outset it is necessary, if possible, to define clearly, and bear in mind carefully, what is meant by that "fusion of law and equity," which it is the object of all the principal law reformers of the day to bring about, so far as it can be done by legislative enactment. It may perhaps be best defined, almost in the words of the Bill before us itself, "'to ensure that in every suit the right of the parties may be satisfactorily determined by the Court in which the suit is commenced,' provided that in the inception of the suit that Court had any jurisdiction at all." This latter qualification is essential; as otherwise it would follow as a proper result of such "fusion," that a plaintiff might file a bill for divorce in the Court of Chancery, or bring an action of trespass *quare clausum fregit* in the Court of Admiralty. Bearing this in mind, and admitting at once that "fusion," as above defined, is an object well deserving the attention of the profession and the Legislature, it remains to be seen how far the Bill in question serves to advance that object.

The first part of this Bill (as above defined) contains provisions giving to the Common Law Courts power—

a. To issue injunctions against anticipated injuries (ss. 1-8).

b. To direct the specific delivery up of documents not affected by any existing action (ss. 24-29).

c. To restrain proceedings in equity (ss. 30-31).

The second part gives power to the same courts—

d. To prevent the alienation of lands or goods *pendente lite* (s. 9).

e. To sustain equitable defences even where the relief would in equity be conditional only (ss. 10, 11).

f. To make orders having the same effect as injunctions in stay of execution after judgment at law (s. 12).

g. To relieve against forfeiture for non-payment of rent or non-insurance, in cases of ejectment.

h. To entertain questions of equitable interpleader where an action has been begun at law.

together with provisions regulating the right of appeal in all these cases.

Now is it not evident at the first glance that the second part alone is directed to the legitimate purposes of "fusion"—that is, to a removal of the evils so well described by the Common Law Commissioners themselves: "the evils attending on a double jurisdiction and twofold litigation—two suits relating to the same subject matter of dispute, in two separate courts, separate pleadings, separate sets of counsel, fresh fees of court—all the harassment, expense, and delay of a suit in Chancery needlessly superadded to the simpler proceedings of an action at law." In order to remove these evils it is necessary, no doubt, to provide, that whenever any suit at law or in equity has been *properly* commenced, all parties shall have the same facilities for obtaining complete justice in *that one suit* as if two separate suits had been instituted in the two separate courts; and accordingly the Common Law Procedure Act, 1854, provided (or intended to provide, although such intention was partially frustrated by the action of the courts of law themselves), that whenever a defendant at law had a defence of which he could avail himself as plaintiff in equity, he should be at liberty to plead such defence at law, at the same time reserving to the plaintiff at law, by means of an equitable replication, all such rights as he would have had as defendant in equity.

No doubt, the decisions of the Court of Common Pleas (Anon. 3 W. R. 110), and of the Court of Queen's Bench, in *Wodehouse* v. *Farebrother* (25 L. J., 197), have so narrowed this relief that some further enactment is necessary to give to suitors the full benefit intended for them by the Legislature, and such further enactment is to be found in the 10th and 11th sections of this Bill, to which there is not apparently any reasonable objection. The 9th section is similarly rendered necessary by the decision in *Neave* v. *Avery*, referred to by the Common Law Commissioners, and the provisions contained in ss. 32-41 with reference to interpleader, are obviously directed to another case within the same principle. It is true that these sections may give rise to feigned actions, but if this be advantageous to the public, no real objection can arise thereto, and if any unconscientious advantage should be taken of this power, that would give rise to a fresh ground for the interference of equity. So far, then, the Bill appears not merely beneficial but imperatively required to fill up the *hiatus—certe valde deflendi*—which the decisions of courts of law have made in the application of the principle of "fusion," exemplified as well by the Common Law Procedure Act, 1854, as by Sir Hugh Cairns' Act, 1858: but here our commendation of the measure is forced to stop; the provisions which have been referred to as the first part of the Bill, and which are by far the most important part thereof, are attributable to a far different and less praiseworthy principle, which has no connexion with "fusion," and deals merely with "enlargement of jurisdiction."

For the effect of these provisions is not to prevent the needless multiplication of suits by enabling *one* court to do complete justice where *two* are now required (for but *one* suit is now necessary in the cases dealt with by these sections); but merely to transfer *the single necessary suit* from equity to law, and is an example of legislation perfectly analogous to a provision for enabling the Court of Probate to administer the trusts of wills, or the Court of Chancery to entertain a bill of trespass on the case; for in both these examples the courts mentioned already have jurisdiction in matters quite as nearly connected with the proposed new powers as Courts of Common Law now have with reference to anticipated injuries. Indeed, the provisions of the 24th section of the Bill, so far as they are properly consistent with the true principles of "fusion," are already contained in the Common Law Procedure Act, 1854, s. 78.

The 57th section is a curious specimen of double carelessness. As it stands, it repeals the Common Law Procedure Act, 1854, s. 87, which gives the Court power to prevent the loss of a negotiable instrument from being improperly set up as a defence to an action on such instrument, and enacts instead that courts of law shall

have certain powers in respect of the liability of ship-owners in cases of damage; powers which such courts have already, by virtue of the 88th section of the same Act (a section which it is in reality proposed to repeal in order substantially, but without any benefit in the nature of consolidation, to re-enact); powers moreover which, according to the principle of this Bill (as shown in sects. 30 & 31), ought to be exclusively vested in the Court of Admiralty.

But the real grievance of the Bill lies in the 30th and 31st sections, which propose, not to give extended *co-ordinate* jurisdiction to courts of law, and thereby to promote "fusion" at least of a certain kind, but to prohibit the Court of Chancery—the only court where the administration of equity has been reduced to a system, the only court possessing a procedure fitted to cope with the multitudinous questions and conflicting interests so frequently affected in the same suit, or a machinery capable of working out complicated decrees, (a machinery, be it observed, which cannot be made to order in a moment, as the writer in the "Law Magazine" would seem to imagine),—from dealing at all with those cases of which of all others it is most competent to dispose; and to hand over the jurisdiction of which the courts of equity will thus have been deprived to a tribunal utterly unable, (not from any want in its judges, but from the nature of its organisation), to deal with them in a satisfactory manner. This the Bill proposes to do, not merely where an action at law is now a necessary preliminary to equitable action, in which case we grant that there ought to be co-ordinate powers in both courts; but also in cases where a court of law is about to exercise a totally new and exclusively equitable jurisdiction, wherein there is nothing of the nature proper to such a court at all. If it be objected to this, that the necessary machinery and organization can easily be supplied to courts of law, the answer is, if that were so, it would be but to revive the old double jurisdiction of the Court of Exchequer, requiring a totally new set of officers and an entirely distinct procedure, a result as much deprecated by the Common Law Commissioners themselves as it is, or ought to be, by the entire profession. The best method of meeting the admitted evil is by extension of the co-ordinate jurisdiction, by enabling each court to do complete justice, not by fettering the one for the needless aggrandisement of the other. It is true that the Commissioners, in one clause of their memorial, disclaim any such intention; but the answer is, that the Bill not merely will have such an effect, but that this effect is the only charge brought against it by the Equity Judges, and that the memorial itself, so far as it addresses itself to any other point, is simply a case of *ignoratio elenchi*. To amend the Bill as they propose, "so as to limit its operations to the extent designed," would be to strike out of it all the passages to which any objection has as yet been made from any quarter.

The Commissioners in the following passage profess to give examples of the evil which this Bill is intended to remedy; they say:—

"Take the case of an honest plaintiff bringing an action on a legal claim, which he believes to be well founded, having brought his action in the only court to which he can resort, why, because his adversary sets up an equitable defence, is he to be forced to become defendant to a new suit before a different tribunal? Or take, perhaps, the still more striking case of a defendant in an action at law, having a defence on equitable grounds alone, which he is desirous of setting up in the court where the action is pending. Why is he to be driven to the necessity of going to a second court, and there instituting a second and more expensive suit? Why, if his equity depends on the performance of some condition, is he to be driven to another court to obtain the relief which performance of the condition might just as well secure to him in the first suit?"

But these are cases in which no one contends for exclusive jurisdiction for the Court of Chancery (except the courts which decided the cases above noticed). By all means let every defendant have power of setting up his equitable defence at law; let the power of the litigants of introducing equitable matter into the pleadings (when once the litigation has been properly *commenced* at law) be enlarged to the utmost; but why should that involve the conferring on a plaintiff, who has any good reason for avoiding the Court of Chancery, the power of filing an "equitable declaration" (for that is what it comes to,) merely for the purpose of excluding from the cognizance of the case the court to which it naturally belongs? and where is the justice of debarring a defendant, who prefers the natural jurisdiction, from resorting thereto with his case, while the choice of courts, natural or unnatural, is freely left with the plaintiff? This is not "fusion," but mere transfer of jurisdiction; not extension of the jurisdiction of law, so much as extinction of equity jurisprudence; not "ensuring that in every suit the rights of the parties may be satisfactorily determined by the Court in which the suit is commenced," but an indulgence (doubtless unconscious) of that jealousy of rivals which the Courts of Common Law have so frequently shown, which led them for centuries to cripple the energies of the Court of Admiralty, and which in the reign of James I. produced the memorable contention between Lord Coke and Lord Ellesmere, and eventuated in the complete discomfiture of the former judge.

In conclusion, we cannot but reiterate that the true principles of legal reform are outraged in every particular by this part of this Bill. These principles cannot be better expressed than in the memorable words of Sir Lionel Jenkins (slightly altered to adapt them to this particular case) "that suitors should have their option of the court they would sue in." "If they will go to common law the courts of equity will not in the least regret it; but if they choose rather to come into chancery (which they will not do unless that court affords them greater advantages than they can obtain elsewhere) it desires to receive them, and do them justice, without the operation of a penal statute, and without interruption when once properly possessed of the same;" and this is all that we desire.

COMMON LAW PLEADINGS.

The commissioners appointed to inquire into the process, practice, and system of pleading in the superior courts of law at Westminster, have recently, by delivering their final report, closed their labours, which have lasted over a period of ten years. Their earlier recommendations were embodied in the Common Law Procedure Acts of 1852 & 1854, and have now been in force a sufficient time to enable us to form some judgment as to the working of the amended system of procedure. The commissioners themselves have expressed a very confident opinion as to the improvements effected thereby in the following passages of their final report:—

As regards the amendments and alterations in the procedure in actions at law, we are happy to be able to report, that they have rendered the procedure simple, economical, and speedy, and have had the effect of limiting the costs to the expenses of the necessary and essential steps in a cause.

The technicalities which brought so much discredit on our jurisprudence have now disappeared, and the courts, owing to the improved system of pleading and procedure, and the large additional power of amendment, are occupied in adjudicating upon the substantial merits of the cases in litigation; while, from the operation of the same causes, it very rarely occurs, in trials at Nisi Prius, that the real question in controversy is not decided by the jury.

With respect to pleading, to which branch of procedure we wish to confine our present remarks, we can quite agree with the commissioners in their congratulations upon the improvements effected upon the ancient technical method. We also think that they have done much towards placing the system in a fair way of improvement for the future. The system of pleading,

however, is still far from having arrived at a state which can be considered complete. Upon a brief review of its position, it will rather appear that it is only just settling down into a new form, which is at present involved in much uncertainty, and that especial care is necessary to direct its future progress.

It was conclusively decided by the commissioners to retain pleading substantially in the position which it always held, as the basis of the procedure in actions in the Common Law Courts. The commissioners having arrived at this preliminary decision, necessarily restricted their subsequent inquiries to the details of the system. They found the practice of pleading encumbered with obscure doctrines and useless formalities which concealed the meaning of the process and hindered its objects. They recommended that all technicalities of this nature, and everything not having a plain and direct bearing on the main object of pleading, should be abolished. The Legislature acted on their recommendations, and the practice of pleading is now liberated from nearly all rules and forms of a merely technical description. These amendments have been found highly beneficial in lightening the labours of practitioners; but they are nearly all of a negative and repealing character. They have removed much that was obstructive, but have settled little or nothing positive respecting the future practice. Moreover, at the same time with the abolition of much form and technicality, we have been in great measure deprived of the clearness and certainty which were so prominent an object in the ancient practice. A very perplexing state of doubt has consequently ensued as to the degree of strictness or laxity which will in future be exacted or tolerated in pleadings; and the path of the practitioner is beset with nearly as much difficulty and anxiety as before, though of a different kind.

This state of doubt in which all matters of pleading, since the recent changes, have been thrown, and in which they are often designedly continued, is found extremely embarrassing. Under the ancient system, the rules of pleading were capable of being ascertained, and the pleader might always be correct by keeping strictly according to rule; his danger consisted in the multiplicity of the rules, and the serious consequences of departing from them. At present his difficulty is to steer his course without rule, with no other guide than so called common sense: what is so called, however, differs in its judgments not only amongst practitioners, but even amongst judges. In the opinion of some, it is advisable to leave pleading in this uncertain state. It seems to them conducive to the ends of justice, that the judge, upon all questions relating thereto, should exercise a perfectly unfettered discretion; in fact, should administer justice without any restrictions of law. In accordance with this opinion, many judges can hardly be prevailed upon to listen to an application or argument relating merely to a question of pleading, though it may have caused the pleader much research and anxiety; and not unfrequently, when compelled to decide in favour of such an application, they exhibit their opinion of its importance by refusing costs. This state of things, to say the least of it, is extremely embarrassing to the practitioner, who remains quite at a loss as to the rule of discretion by which he is to be judged. It can scarcely be supposed that it was the result aimed at in the recent elaborate reforms of pleadings. Moreover, it bears with particular hardship upon the suitor, and in that respect appears to be contrary to the plainest principles of justice. This will appear more plainly upon considering with some exactness the position and object of pleading in relation to the suitor and the Court.

Under any system of procedure, the suitor can do no more than state his case in plain and ordinary language in the proper quarter. The process of analysing the dispute, marshalling in opposite array the matters of accusation and defence, extracting the real question on which the whole dispute hangs, in a word, all the business of pleading, and the conduct of the cause, must necessarily be carried on by professional and skilled hands. We have seen a party acting as his own lawyer in conducting his own cause in open court before a jury, and the general remark has been that he had a fool for his client; but we never even heard of a person so hardy and reckless as to draw his own pleadings, or to argue a demurrer in person. The suitor can do no more than supply the raw materials for litigation. He has then, strictly speaking, completed his part in the business, and cannot personally interfere further. He has put his cause in train, and must wait with passive patience the result. He has a right to expect that a fair decision of the Court upon the merits of his case, will ultimately be given, and he has a right to expect it without any further effort on his part. All the subsequent process of working up the materials of litigation, analysing and digesting them, casting them into a juridical form, and conducting them to a logical conclusion, is strictly the province of the court of justice, and should be done under its superintendence. This view of the matter seems correct enough in theory; it is, however, only half acted upon in our courts. The pleadings and all the preliminary proceedings in an action, until the issue is clearly developed, are conducted by professional advisers employed by the parties themselves, without any intervention or assistance from the court. The Courts, indeed, exercise a general control over the progress of the suit, but their interference is limited to occasions out of the ordinary course; the whole ordinary risk and responsibility of the safe and skilful conduct of the suit, until the parties have brought it to an issue, is thrown upon the suitor together with the whole expense.

This was not always the case with respect to pleadings. The Court used formerly to assist the suitor in the principal step in his action, that of framing his complaint. In ancient times the suitor applied to a public officer (appointed for that purpose), for a writ to meet his case. An official writ was supplied to him, corresponding to the modern declaration, stating his cause of action strictly according to precedent. If no precedent could be found in the office exactly suited to the case, a new form of writ was issued, framed upon analogy with those already existing. When this practice fell into disuse the suitor was left to frame his own writ. He still did so strictly according to precedent, but without any official authority. The power of issuing new writs in new cases sanctioned by authority ceased; and the suitor had no remedy where he could find no precedent of a writ to meet his case. Actions thus became limited to the existing precedents of writs, which were afterwards known as the various forms of action, and were followed with rigid exactness until the Common Law Procedure Act, 1852, rendered the form of action unimportant, and allowed a good cause of action to be stated irrespective of form.

The responsibility and the expense of the pleadings are now cast entirely upon the individual suitor and his private professional advisers. The arrangement may be justifiable upon grounds of policy. It may render the administration of justice economical and expeditious, and may be very beneficial to the general community. But it should be remembered that it is an arrangement made for the ease and relief of the Court, and shifts a large burden from the public department of justice on to the shoulders of the individual suitor. It is only fair, therefore, that every care should be taken that the steps which the suitor is bound to take on his own responsibility, and at his own expense, in order to prepare his case for the consideration of the Court, should be made as plain and certain for him as possible. It is a great hardship upon him to be left in doubt and risk of error in formal proceedings which he is compelled to take entirely for the convenience of the Court. These considerations point out clearly what is required in a good system of pleading, and the course in which future

legislation and judicial decision should tend. The path of the suitor should be made as smooth as possible, and marked out so plainly as to prevent the risk of error. He should find his weapons ready to his hand, and not be called upon to make them himself for the occasion. In plain language, the suitor should be fully supplied with certain precedents or formulæ for every step he may be called upon to take. He should find precedents of forms to meet all wants and every emergency; and having decided what course he ought to take, there ought to be no second doubt how he ought to take it.

The framers of the Common Law Procedure Acts seem to have anticipated that the practice of pleading should gradually settle down into fixed forms, short and simple in language, but indisputable in meaning, which should be adapted for use in the prompt and effective manner suggested above. They led the way by giving authoritative examples of forms in the schedule to the Common Law Procedure Act of 1852. These forms are admirably adapted for their purpose under the sanction of legislative authority. Their conciseness is certainly very bold, the words being often rather symbolical than expressive of the meaning intended, and perhaps no practitioner would venture to originate forms so concise without some support from a firmly established practice, or from legislative authority. The style of these legislative examples, however, is capable of extension to pleadings in all cases, or at least in all cases of frequent recurrence in practice. Practice alone, if further legislative interference be wanting, is sufficient to settle such forms, and to sanction a rigid adherence to them. The practice of the profession has already arrived at a considerable unanimity in settling pleadings after this fashion, and has decided conclusively in favour of the advantages of so doing. We can point with great satisfaction to a work recently published, Messrs. Bullen and Leake's "Precedents of Pleadings" in actions in the superior courts of common law, as showing to what systematic certainty and conciseness pleadings are capable of being reduced. What the schedule of the Common Law Procedure Act of 1852 supplies for the few subjects on which it touches, this book of precedents supplies for nearly all the matters that came within the province of pleading. If the work will not quite enable the suitor himself to draw his own pleadings, it will, at least, enable any tolerably qualified legal practitioner, who has attained a clear view of his own case, to handle these rather dangerous weapons with facility and safety. At all events, it shows the progress already made, and the direction in which the future of pleading is tending.

It has long been recognised that all the branches of common law procedure, except pleading, are capable of being reduced to the strictest accuracy of form. The pleadings, however, have hitherto been regarded as exceptional in this respect, and incapable of a similar treatment; they have been drawn rather as original compositions by the pleader, as occasion required; a process which throws great risks, and great trouble and expense on the individual suitor. But they seem in general to be as capable of being reduced to settled formulæ as any other steps in the action. All forms necessarily receive more or less of accidental colouring from the circumstances under which they are used, and require some modification to render them applicable to the particular case. Pleadings, perhaps, are more fluctuating and uncertain in this respect than other forms, but they seem nevertheless sufficiently certain and invariable to enable them to be treated strictly as such. We think it would prove most advantageous for the administration of justice, if judges and practitioners would regard pleadings in this light, and would cooperate in their endeavours to settle them in future, with a view of arriving ultimately at a uniform standard of practice.

QUEEN'S COUNSEL IN COURTS OF EQUITY.

We have already expressed the strong opinion entertained by solicitors in favour of the existing rule amongst Queen's Counsel in Courts of Equity, which makes it customary, if not obligatory, upon equity barristers soon after they have obtained silk, to elect a particular Court to which they shall confine their practice. The rule has now been in operation for six years, and has been found entirely beneficial, if not to counsel, certainly to the suitors of the Court. Clients no longer feel the sore inconvenience and uncertainty which resulted from the old system of leading counsel in courts of equity accepting briefs in causes, which might be heard at the same time in different places, and some of which, therefore, were decided without such attention on the part of leaders as might have been expected from them when they accepted retainers. At present, the suitor in any branch of the Court of Chancery may generally rest assured that his leading counsel will be present at the hearing of his cause; and this is entirely owing to the rule in question. It is no wonder, then, that solicitors should feel some anxiety when they are informed that there is a probability of anything like a return to the old system. The matter is no doubt one wholly within the power, and must be determined by the discretion, of the Queen's Counsel themselves. But it is one on which solicitors may well express their opinion freely; and we believe that when we say that the present rule meets the entire approbation of our branch of the profession, we state what will meet with the universal acquiescence of solicitors. At the same time, it may be possible to maintain this rule in its integrity, and yet to contrive some plan which shall meet the views of counsel who desire not to be too strictly bound by its operation. According to the present etiquette, if we are rightly informed, any Queen's Counsel may accept a brief in any branch of the Court, upon a special retainer. It would no doubt be desirable not only for counsel themselves, but for suitors, that every counsel should be allowed to fix for himself the amount of his special retainer. Those who have some *specialité*, and yet are not fully employed in their own particular courts, might be induced to fix on a sum which would place them within the reach of suitors in other branches of the Court, who are now prevented from availing themselves of the services of such counsel by what is generally understood to be the existing etiquette. It cannot, of course, be supposed that any arrangement of this kind would be made the means of avoiding the present rule. If we understand it aright, even now the agreement amongst the Queen's Counsel is entirely voluntary; it is optional with gentlemen, when they are called within the bar, whether they will be parties to it or not; and whatever would have the effect in any case of depriving clients of the advantages which accrue from it, would, of course, operate to the detriment of any counsel who, nominally acquiescing in it, virtually avoided it. We do not mean to say that it may not even be for the convenience of suitors that there should continue to be some members of the inner bar who are willing to accept business in every branch of the Court without a special fee; but these cases are exceptional, and cannot lessen the great importance of the general rule that there should be always in each branch of the Court a sufficient number of leaders solely devoted to its business, and always present to attend to it. We can do no more, however, than repeat, on the part of our branch of the profession, and of the suitors of the Court, the anxiety that we feel lest there should be anything like a return to the old system in Courts of Equity, or the present most objectionable, unjust, and injurious system in courts of common law.

LAW AND EQUITY BILL.

MEMORIAL OF THE COMMON LAW COMMISSIONERS.

(*Concluded from p.* 642.)

INJUNCTION.

We next proceed to consider the proposal to give to the Common Law Courts power to protect by injunction property, whether real or personal, the title to which is in contest in an action at law, from alienation, waste, or injury, till the right shall have been determined.

We must, in all humility, confess that we are at a loss to conceive that any substantial objection can be offered to a proposal so obviously reasonable.

It is plain that such a power should exist somewhere. A man in possession of land the title to which is contested, *à fortiori* a man in possession without a title, ought not to be permitted, pending proceedings to eject him, to commit waste to the damage of one who claims with a better title. A man who is in wrongful possession of a chattel, for the loss of which money may be a very inadequate compensation to the rightful owner, ought not to be left at liberty to make away with it while an action for its recovery is pending.

At present, protection in this respect can only be obtained by recourse to a court of equity, while the recovery of the thing itself can only be effected in a court of law: two suits, with twofold expense, where one would suffice!

And no question can here be raised as to the competency of the tribunal.

It would be strange indeed, if it could be doubted that the Court which in an action of ejectment or detinue has to determine the right to the corpus of the estate or chattel, was also capable of deciding whether the defendant should be restrained from committing waste or making away with the thing in dispute until the right was determined.

We now pass on to consider the instances in which it is proposed to confer new jurisdiction on courts of law irrespective of any pending action.

And, first, as to the proposed power of restraining by injunction the impending violation of any legal right. We must here beg it may be borne in mind that it is not proposed in this branch of the subject to confer on courts of law powers in respect of any rights which are not strictly of a legal character. Throughout the contemplated amendments it has never been proposed, where title to property was complicated by equitable rights, to withdraw the decision from the courts of equity. This being kept in view, we must confess ourselves altogether at a loss to conceive why, when legal rights alone are involved, a court of law, whose special and proper province it is to determine such rights, should be without power to protect them from violation. And it must be observed that this anomaly in our judicial system is rendered the more striking and discreditable to our jurisprudence by the partial jurisdiction already extended to the legal tribunals by the Act of 1854.

As the law now stands, if a single act of wrong has been committed, a court of law, on an action being brought, has power to grant an injunction to prevent a repetition of the wrong. If a nuisance were about to be created which would seriously lessen the value of a man's property, as, for instance, if a local board were about wrongfully to bring the main sewer of the district close to a man's premises, no protection could be afforded by a court of law. But if the thing has once been done, and the whole expense incurred, not only may damages be recovered for the present injury, but the nuisance may be abated for all future time. If out of a thousand trees growing on an estate a single tree be wrongfully cut down, an injunction may be obtained from a court of law to prevent the cutting down of the remaining 999. But if, with the certainty of impending injury, the party whose rights are about to be invaded should come to a court of law for protection before the axe has been laid to the root of the first tree, he would be told that while, if he had waited till one tree was cut, the Court would have protected him as to all the rest, the Legislature has not thought fit to entrust the Court with powers for the protection of the first, but has committed that to the exclusive keeping of a court of equity. We cannot but think that this state of things (arising as it does out of the partial manner in which the recommendations of our second report as to injunction were carried into effect) is an anomaly in our judicial system which almost borders on the ludicrous, and is a serious reproach to our legislation.

We must be forgiven for saying that we cannot comprehend the alarm which the proposal to remove it has occasioned. The jurisdiction is one which, reference being had to the subject matter, falls properly within the province of the common law courts. It is one which these courts already possess and exercise in an ulterior stage. The competency of the Courts or of their procedure cannot come into controversy. The question has been concluded by the Legislature itself in conferring powers which presuppose all the qualifications both in the judges and their procedure which are necessary for the exercise of those now proposed to be given. We cannot but think that the objection to this extension of jurisdiction has arisen principally from its having been overlooked that it is only proposed to confer it where damages can now be recovered in an action, and where, therefore, strict legal rights are involved, and that the powers proposed to be conferred by the present Bill are neither more nor less, in substance and degree, than those created by the Act of 1854: the difference consisting simply in this, that they may be exercised before the mischief instead of after it has commenced.

DOCUMENTS.

The only other instance in which authority is proposed to be given to a court of law, independently of a pending action, is the power to order the delivering up of documents which on the face of them appear to give a right of action at common law, but which, by reason of circumstances which, if an action were brought, would constitute a defence, ought not to be available, and, on the contrary, ought to be given up or cancelled.

The ground on which a party liable to be prejudicially affected by such a document has a claim to have it given up or cancelled, is that the document, remaining in the hands of the opposite party, after all just claim to enforce it is gone, may one day be brought forward, after the evidence by which it would have been defeated has ceased to exist.

It is plain that power to afford relief from such a possibility, and to protect a person so circumstanced from having such a danger from hanging over his head for years, ought to exist somewhere. It has hitherto been confined to courts of equity alone. The reasons for proposing to extend it to the courts of law, are, first, that the documents in question would be enforceable in a court of law alone; secondly, that the matter of defence, on which the claim to have the document annulled arises, would be capable of being pleaded and tried at law if an action were brought upon it; thirdly, that the common law procedure for trying the facts, if contested, is indisputably superior to that of a court of equity.

NEW EQUITABLE JURISDICTION AT LAW.

We have now passed in review the several cases of equitable jurisdiction proposed to be conferred by the Bill. It remains for us to deal with a few general objections put forward against the measure as a whole.

The principal of these is founded on a misapprehension which it is important to clear up. It seems to be supposed that equitable title to property is sought to be brought within the jurisdiction of the legal tribunals. This is evidently pointed at in the two cases, prominently put forward in the objections of the equity judges, in which fraudulent plaintiffs with legal titles are supposed to bring ejectment in a court of law for the purpose of avoiding the discussion of adverse equitable rights before an equity court.

This is a very serious misapprehension. It overlooks the fact that, with reference to equitable defences, the action of ejectment—the only action in which the right to real estate can be enforced—was not included in the Act of 1854;* and that, with the exception of the comparatively small matter of relief from forfeiture for nonpayment of rent and for omitting to insure, this action is not proposed to be touched by the present Bill. So large a proportion of property in this country being held in trust, and trusts being the peculiar province of courts of equity, however serious the inconvenience arising from the occasional conflict of jurisdiction may be, it is not proposed that powers should be given to courts of law to entertain equitable considerations on a trial of title. If our last report be referred to, it will be seen that our recommendation as to the power to grant conditional relief is confined to cases in which equitable defences are already admissible, but in which the presence of a condition prevents the Court from entertaining the plea. This, of course, does not apply to ejectment, in which no equitable plea is admissible. The present Bill does not include ejectment, so far as title to property is concerned. The imaginary cases put forward by the equity judges as illustrative of the mischievous operation of the enlarged equitable jurisdiction could not therefore possibly arise.†

* See *Neave* v. *Arye*, 24 L. J., C. B. 207; 16 C. B. 328, S. C.

† We may also here observe, in passing, that the third case put by the

We cannot but think that much of the opposition offered to this measure has been founded on the notion that it was sought to withdraw by it questions upon equitable title to property from the jurisdiction of a court of equity. It is desirable that this misapprehension should be dispelled as speedily as possible. No such thing has been suggested, or is contemplated by the present measure. Of course, if it should be thought that the language of the Bill leaves room for the possibility of a different construction, nothing would be more easy than so to frame the enactment as to limit its operation to the extent designed.

Another objection insisted on by the equity judges is that a plaintiff having a mere legal as opposed to an equitable right will now have a choice of courts, and will naturally take his cause to the court in which equity is the least likely to be well administered. Assuming for a moment the inferiority of the legal courts in dealing with equitable questions (on which a word presently), we must be forgiven for observing that this argument rests on a fallacy. A plaintiff having only a legal right to insist on has no choice of courts; he can bring his action in a court of law alone. If he went to a court of equity, he would be told that, having a remedy at law, he had no business there. The position of such a plaintiff will nowise be altered. But let us look to the other side of the case. Take the case of an honest plaintiff bringing an action on a legal claim, which he believes to be well founded. Having brought his action in the only court to which he can resort, why, because his adversary sets up an equitable defence, is he to be forced to become defendant in a new suit before a different tribunal? Or, take the, perhaps still more striking, case of a defendant in an action at law, having a defence on equitable grounds alone, which he is desirous of setting up in the court where the action is pending. Why is he to be driven to the necessity of going to a second court, and there instituting a second and more expensive suit? Why, if his equity depends on the performance of some condition, is he to be driven to another court to obtain the relief which performance of the condition might just as well secure to him in the first?

The equity judges assert that "no solid reason can be given for the proposed transfer of jurisdiction." We, on the other hand, submit that abundant reason is to be found in all the evils attending on a double jurisdiction and a twofold litigation—two suits relating to the same subject matter of dispute, in two separate courts, separate pleadings, separate sets of counsel, fresh fees of court, all harassment, expense and delay of a suit in chancery needlessly superadded to the simpler proceedings of an action at law. Surely, it cannot seriously be disputed that if the necessity for resorting to a second court can be dispensed with—wherever justice can be done in one court and one suit—there is every reason for relieving the suitors from the inconvenience, the expenses, and the delay of a double litigation.

We guard ourselves by saying "where justice can be done." We readily admit that where what the objectors not inaptly term the "machinery" of the courts of common law is inadequate to deal with questions of equity, a sufficient reason exists for maintaining the divided jurisdiction. We admit that, to a certain extent, the objection to conferring equitable jurisdiction on the courts of law on this ground is well founded. But to this extent care has been taken that the jurisdiction shall not be exercised. The objection becomes unfounded and unjust when it overlooks a distinction which the framers of the Bill have not been unmindful to observe. It is true, as is urged by the equity judges, that there are cases in which equitable rights cannot properly be determined without more parties being brought before the court than the parties immediately in presence in an action at law. It is true that a court of law has no procedure for bringing such further parties before it. Possibly it may not be desirable that it should have. Actions to recover real property excepted, as to which the present question does not arise, the cases which come before courts of law are seldom of sufficient magnitude to make the multiplying of parties desirable; as the so doing, however necessary in order to settle the rights of all concerned, has a natural tendency, except where great interests are involved, to bring about the result that, by the time the rights of all parties concerned are adjusted, there remains but little to be divided amongst those who are found to be entitled. Be this as it may, the objection of the equity judges, founded on the inability of the common law courts to bring other parties before them, has, as regards the present measure, no application. It is not proposed to admit equitable defences in cases to which the objection relates. By the operation of the 86th section of the Common Law Procedure Act of 1854 and the 12th clause of the present Bill, courts of law will not be called upon to entertain questions of equity where the equitable rights of parties other than the immediate parties to the action at law are involved. It is suggested, indeed, that a court of law might fall in error in deciding whether, in any particular case, the equitable rights of other parties do or do not come into question. But it may be answered, first, that in the more simple cases of equity which present themselves in actions at law, no serious difficulty on this score is likely to arise; secondly, that the supposition that the judges would have any difficulty in deciding such a matter is an assumption of incapacity in them which ought not lightly to be made; thirdly, that the objections, if good for anything, would apply equally to the equitable pleas already permitted to be pleaded; lastly, that in the exercise of the existing jurisdiction no such difficulty has in point of fact been experienced.

MACHINERY.

The question as to the adequacy of the "machinery" of the common law courts being thus reduced to its proper limits, we have no hesitation in affirming that the procedure of these courts, enlarged and amended as it has been in modern times, is abundantly sufficient to enable them to exercise the powers proposed in a perfectly satisfactory manner.

With reference to matters of equity brought forward in pleading, no question as to the adequacy of the procedure can arise. The facts on which the equity arises being set forth in the pleading, the effect of them, if admitted, is at once for the court. If not admitted, the facts will be tried by a jury in the ordinary way. And it may be here incidentally observed, that if in the same action there should also be issues of facts relating to matter of common law to be tried, it is more convenient that both sets of issues should be tried and disposed of in the same inquiry, than that one set of facts should be tried in a court of law, the other in a court of equity. No one, we apprehend, will question the superiority of the common law procedure over that of equity for the trial of issues of fact; and it may be observed in passing, that as, in the discussion of questions of equity, whereseever they may be raised, questions of disputed fact will frequently arise, this superiority of the common law procedure for the decision of questions of fact is so far in favour of the transfer of jurisdiction.

As regards equitable matters arising on application to the court, as for relief on conditional equity, or for protection of property, either on apprehended injury or during the pendency of an action, the efficiency of the machinery cannot seriously be questioned. The application would be by motion founded on an affidavit setting forth the facts. If any difficulty should arise in the ulterior stages of the discussion, the court would have ample means of completing the inquiry by an issue or reference to a master. The only difference, we apprehend, between such a proceeding and that of a court of equity would be, that the latter would require a written or printed statement of the case, which would be echoed by an affidavit. The common law process, while it is equally efficacious, is the simpler and less expensive of the two.

The question of the competency of the common law judges to administer equity is one on which, for obvious reasons, we are reluctant to touch. We may, however, be permitted to observe that in the simpler questions of equity which are likely to come before courts of common law, we cannot anticipate any serious difficulty. While, on the one hand, it may be admitted that, where more complicated rights are involved, such as arise upon intricate questions of real property, of trusts, the administration of estates, and the like, the principles and rules of equity constitute an elaborate and special system of jurisprudence, a perfect knowledge of which it may require special study and practice to acquire, yet it must not be forgotten that one of the principal merits of this system is that its leading rules—at least, where unembarrassed in their application by the intricacies and subtleties of real property law—rest on the plain and simple principles of rational justice, as distinguished from the more technical and arbitrary rules of positive law.

More especially is this the case with reference to the grounds on which equity relieves against legal rights sought to be enforced in actions at law. To suppose that common law judges or practitioners either are unacquainted with or will be unable to master a system so simple, would seem to be a

equity judges by way of objection, namely, that of an equitable mortgagor bringing detinne for deeds deposited by way of equitable mortgage, with a view to avoid a court of equity, is equally ill-founded. The plaintiff would be defeated at law. The action could not be maintained under such circumstances.

gratuitous and unwarranted assumption. No such difficulty has hitherto arisen in administering the powers either of auxiliary or substantive equity heretofore conferred. So far as we are aware, one instance only has occurred of an appeal from the decision of any court of law on an equitable plea, and in that instance the appeal was unsuccessful.

We believe the apprehension of incompetency in this respect to be wholly unfounded. The large knowledge of the law essential to the administration of equity has never been questioned in equity judges; and we are at a loss to understand why credit should not be given to common law judges for capacity to possess a corresponding knowledge of equity in the limitation of legal rights. When we reflect how many of the great equity judges who have presided in the court of chancery and in the House of Lords have been taken from the common law courts, we are surprised that capacity should be denied to the collective ability of the common law judges, assisted by a bar inferior to none in learning and attainments, to deal with the simple questions of equity which are likely to arise incidentally in proceedings at law.

Before we quit this subject, we must advert to an argument prominently put forward, namely, that the effect of thus conferring equitable jurisdiction on common law courts will be to restore in substance the ancient equity jurisdiction of the Court of Exchequer, abolished in recent times by the Legislature. That this view of the matter is altogether erroneous may readily be shown. It assumes that the jurisdiction of the Court of Exchequer as a court of equity was exercised by it incidentally to proceedings pending before it as a court of law. Nothing can be more incorrect. The Court of Exchequer in equity was as distinct from the Court of Exchequer as a court of common law, as the Court of Exchequer now is from the Court of Chancery. The jurisdiction was distinct; all suits were distinct; the procedure was distinct; the officers of the court were not the same; the practitioners were a separate and distinct class. A party seeking protection or relief from an action pending on the common law side of the court was obliged to file a bill in equity, and was in all respects in the same position as if he had gone into chancery. All the evils of the double jurisdiction arose, without any of those benefits which may be anticipated from enabling full justice to be administered in a single court. Other causes, therefore, making it desirable that the Court of Exchequer as a court of equity should be done away with, its abolition took place, but without the slightest reference to any inconvenience arising from a blending of jurisdiction such as is now proposed. To represent the two cases as analogous is to confound things essentially distinct and having nothing in common but a name.

COURT OF APPEAL.

Lastly, as to the objection taken to the measure with reference to the proposed Court of Appeal. It is said, "the appeal is to be a court of error—a very competent tribunal for determining the points of law which remain when a jury has solved the questions of fact, but rigid in the extreme in its rules of procedure, and utterly incompetent to dispose of the mixed questions of fact and law that continually arise on appeals from courts of equity." We have here again a serious misapprehension. It is assumed that the Court of Exchequer Chamber, the proposed Court of Appeal, will be simply a Court of Error in the strict sense of the term; that is to say, a court confined to error appearing on the face of the record, and bound by some rules of procedure differing from those of the court in which the proceedings originated. This is an entire mistake. The Court of Exchequer Chamber, when exercising the appellate functions conferred upon it by the recent Procedure Acts, is no longer a mere Court of Cassation. It is a Court of Appeal in the fullest sense of the term; that is to say, it is invested with all the powers, both as to substantive law and procedure, which are possessed by the court from which the appeal comes, and can even draw inferences of fact where the court below could do so.

While upon this subject, we cannot but express our surprise that the objectors should have overlooked the fact that from the decisions of the Court of Exchequer Chamber on appeal there is an ulterior appeal to the House of Lords, where the presence of so many equity authorities will secure the correction, if necessary, of the decisions of the common law tribunals, and ensure the administration of equity according to its established and undoubted rules.

We conceive that we have thus made good the propositions which we undertook to establish; that, starting from the incontestable position that every court should have power to carry on a suit properly commenced in it to final adjudication and completion, as also to protect rights which are clearly within the compass of its jurisdiction, we have shown that the powers which it is proposed to confer on the common law courts are essentially necessary to this end; that they have been already partially given, and so far beneficially exercised; and lastly that, so far as it is now proposed to go, the procedure will be fully equal to the purpose.

CONCLUSION.

The equity judges declare that "no attempt should be made to alter our tribunals until a careful revision has been made of our whole law." But is not this to put off the work to the Greek Kalends? We readily agree that the bringing the conflict of law and equity into unison would be better dealt with as a part of the substantive than of the ancillary law; and would be best effected by abrogating from the body of our law rights which ought not to be, and which equity does not allow to be enforced, instead of by seeking to attain the end by a fusion of jurisdiction and procedure. But who is there among us so sanguine as to expect that this great work of the revision of the whole body of our law will be undertaken, much less accomplished, in our days? In the meantime the suitor, bandied to and fro from law to equity, and from equity to law, suffers what he feels and knows to be—with whatever complacency legal practitioners may from habit be brought to look on the matter—a practical and substantial grievance. To whatever extent, though it may be but a partial one, that grievance can be abated—to whatever extent the great desideratum of uniformity in the law as administered by the judicial tribunals of this country can be effected,—to that extent, at least, the practical good should be secured, although the means resorted to may not be such as a scientific jurist might deem the most eligible. At all events, if any immediate, though but partial, remedy can be applied, it would surely be unwise to refuse to accept it because it is not presented as a part of a general revision of the whole body of our laws, of which no reasonable hope presents itself even in the indefinite future.

We have the honour to remain, my Lord,

Your obedient and faithful servants,

A. E. COCKBURN.
SAMUEL MARTIN.
G. BRAMWELL

The Right Honourable the Lord Chancellor.

The Courts, Appointments, Promotions, Vacancies, &c.

QUEEN'S BENCH.

(Sittings at Nisi Prius, before Lord Chief Justice COCKBURN.)

June 19.—*Review of the Volunteers.*—At the sitting of the Court this day,

Lord Chief Justice COCKBURN addressed the Solicitor-General, and said he understood the Court of Chancery would not sit on Saturday next; and, as he understood it was the general wish that that day should be kept as a holiday, it had been determined that this Court should not sit on Saturday.

The SOLICITOR-GENERAL said he was enabled to speak on the part of the bar, and that certainly was their wish.

EXCHEQUER.

(Sittings in Banco, before the LORD CHIEF BARON, Mr. Baron BRAMWELL, Mr. Baron CHANNELL, and Mr. Baron WILDE.)

June 19.—The LORD CHIEF BARON, with a desire to enable all men of the law or connected with it who are volunteers (and we believe they number many hundreds) to attend the review about to take place by desire of Her Majesty, announced at the sitting of the Court this morning that the Exchequer would not sit either in Banco, or at Nisi Prius, or at Chambers on Saturday next.

SURREY SESSIONS.

At the adjourned general quarter-sessions held at the Sessions House, Newington, on the 18th instant, before Mr. J. E. Johnson, the chairman, and a bench of magistrates, on the names of the grand jury being called over to be sworn, Mr. Stephen Miles, a millwright of Bermondsey who had been summoned, refused to be sworn; and the following extraordinary scene took place in court.

Chairman: Why do you refuse to be sworn, sir?

Mr. Miles: Because I am not fit. I am a working man, and I don't like grand juries.

Chairman: That's no excuse. You have a right to serve as well as your neighbours. I recollect excusing you the last time; you must serve now.

Mr. Miles: I object to serve. I am a poor working man, and only the rich ought to be called on to serve on grand juries. The last time when I was excused, I had a contract to put up a machine in the country, and had I not gone I should have forfeited the value.

The Chairman: That cannot be taken as an excuse on this occasion. You must be sworn.

Mr. Miles: I object to be sworn on these grounds:—I shan't agree with anybody. I never did, and I never can.

Chairman: I am surprised to hear that from a respectable tradesman. Surely you can assist your neighbours in performing a duty to your country.

Mr. Miles: I tell you, sir, I never did agree with anybody yet, and I can't side even with myself.

Chairman: Under the circumstances, Mr. Miles, I shall not call on you at present to be sworn. Your conduct is very extraordinary, as you ought to do your duty and serve on grand juries when summoned as well as your neighbours. If there is any faith to be put in your remarks, I am apprehensive that if you were sworn that your conduct would be a source of trouble to your fellow grand jurymen, and under those circumstances I think they ought not to be troubled with you. You may sit down.

Mr. Miles: (seizing his hat): Thank you, sir, that's what I want. Then I may go?

Chairman: Oh, no, Mr. Miles. You must remain in court at present.

Mr. Miles: Very well. I'll take my seat again.

The other grand jurymen were then sworn, and after some remarks from the chairman retired.

Mr. Miles: I suppose I can go now, sir?

Chairman: Yes, you may go; but I hope you will think of what has passed, and perform your duty like a man on another occasion.

Mr. Miles then quitted the court.

LAMBETH POLICE COURT.

June 19.—A summons had been taken out by Captain Stephenson, of the 1st Surrey Volunteers, against Mr. Thomas Taylor, the lessee of the Kennington-gate and other turnpike-gates, for demanding and receiving from three members of the corps, threepence for toll, as was conceived illegally, it being contended that volunteer corps were exempt from such toll. The summons was taken out under the General Turnpike Act, the 3 Geo. 4, c. 126; and exemption from the payment of toll was claimed under the thirty-second clause.

Mr. ELLIOTT, in delivering judgment, said, the claim from exemption from toll made in this case by three volunteers returning from their duty in their regimentals in a cab is founded on a provision in the General Turnpike Act which exempts from toll "any carriage conveying volunteer infantry." These words are no doubt general, but I think they must be construed with reference to another provision in the same Act for exemption from tolls in the case of the regular forces by which such carriages only as are used in the performance of some public duty, as for the conveyance of baggage or stores, or are employed in carrying or conveying sick, wounded, or disabled officers or soldiers, are exempt from such toll. The intention appears to me to have been to provide that when the corps was on the march carriages conveying them or their baggage might pass toll free, but not that any individual officer or soldier belonging to the corps should have that exemption, either for his own or any hired carriage at any time used for his private conveyance and ease, which I think must be taken to have been the case on the present occasion. Reference has been made to the provision contained in the Vauxhall-bridge Act, but the wording of that Act is very different. The summons must be dismissed.

Mr. Stockbridge, one of the complainants, said that it was the wish of several noblemen and gentlemen to have the case carried to one of the higher courts if his worship should be against the right to exemption; and asked Mr. Elliott whether he had any objection to give them a case, to enable them to go to the Queen's Bench.

Mr. ELLIOTT replied that he had no objection, if the parties desired to take that course.

WESTMINSTER POLICE COURT.

June 20. John Gould, a toll-collector at Vauxhall-bridge, was summoned by Mr. W. Mayne, a retired officer from the army on half-pay, and adjutant of the Queen's Westminster Rifle Volunteers, for unlawfully demanding and taking of him the toll of a halfpenny, he claiming to be exempt from the payment of the said toll.

Mr. Mayne stated that on the 19th instant he went to Raynham, with his corps, for target practice, and, returning in the evening to Fenchurch-street, crossed London-bridge and dined with a friend. At about midnight he went over Vauxhall-bridge on his way home to Upper Belgrave-place, when defendant, who was at the gate, demanded toll. Complainant claimed exemption as a rifle corps volunteer, when defendant replied he knew nothing about volunteers and must have his toll. Complainant's experience of the army suggested to him to inquire of the toll-collector whether soldiers would have to pay; when defendant (who is a pensioner from the army) replied, "You don't call yourself a soldier!" Complainant told him that he should certainly try the question of exemption, and paid the toll under protest. Complainant begged to assure the magistrate that he had no feeling in bringing this matter forward, but that the question should be decided, as it was one of public importance.

Mr. Jeffrey, secretary to the Vauxhall-bridge Company, objected that complainant was not in uniform nor wearing his arms at the time.

Mr. Mayne replied that he was in undress uniform; he wore at the time the regulation trousers and blouse, and his belt and pouch. It was contrary to the Rifle Corps' regulations for the officers to wear arms in undress uniform; they were left in the armoury.

Mr. Jeffrey urged that defendant could not be said to be returning from duty on the day of exercise, because he did not pass through the toll-gate until after twelve at night.

Mr. DAYMAN turned to the 49th of Geo. 3, c. 142, s. 147, which, after enumerating other exemptions from toll, said "or any volunteers upon their march or on duty, or on going to or returning from the place appointed for and on the days of exercise." The worthy magistrate expressed his opinion very clearly upon this section; he thought that the fair construction to be put upon it was, that if it was a *bonâ fide* return from exercise, as in the present case, the precise hour of return was unimportant; he thought it would be a very narrow view of the intention of the Act of Parliament to limit the exemption as now sought.

Mr. Jeffrey thought it was returning from dinner rather than exercise, and pointed out that some hours had elapsed from the termination of the exercise until the exemption was claimed.

Mr. DAYMAN considered that after four or five hours' practice a man stood in need of a dinner, and did not think that to be exempt from toll he was bound to get it at some particular place; he was not the less returning from exercise because he had had a dinner on the way. The circumstances of the case were in no respect altered by that fact; the Act of Parliament intended to exempt him from toll while out on duty and on going to and returning from the place of exercise, and complainant was clearly returning to his own home from the exercise; and was clearly entitled to the exemption, and defendant must pay the nominal penalty of sixpence, and costs, and refund the halfpenny toll taken.

Mr. James Bouskell, of Leicester, has been appointed a commissioner to administer oaths in the High Court of Chancery in England.

The Queen has been pleased to appoint James Vaughan, Esq., Thomas Unwin Barstow, Esq., and Franklin Lushington, Esq., to be commissioners for the purpose of making inquiry into the existence of bribery at the last election for the town of Berwick-upon-Tweed.

Parliament and Legislation.

HOUSE OF LORDS.

Monday, June 18.

INFANT MARRIAGE ACT AMENDMENT.

On the motion of the Lord Chancellor, this Bill was read a second time.

Thursday, June 21.

PLEAS OF GUILTY.

Lord BROUGHAM moved the second reading of this Bill, and said the measure had the support of the Metropolitan and Provincial Law Society, and also of numerous gaol chaplains, who had found that many persons under their charge had entertained scruples of conscience against pleading "not guilty," who nevertheless were not guilty legally of the offences imputed to them. It was difficult to impress upon persons who were not lawyers, and who possessed tender consciences, that the plea of "not guilty" meant a desire to be tried according to law. The present system involved many anomalies. A man might take fruit from a tree in his neighbour's garden, and yet he would only be guilty of trespass, while if the fruit which he took was severed from the tree at the time he was guilty of larceny. These legal distinctions were not within the knowledge of all persons, and sometimes it had happened that a man had pleaded guilty, and the judge, upon examining the depositions found that in law no offence had been committed. The Bill he now asked their lordships to read a second time would substitute for the plea of "not guilty" the declaration of "I desire to be tried."

The LORD CHANCELLOR said that while on circuit he had experienced the difficulty of convincing juries that they ought to acquit after the prisoner had pleaded guilty, but had withdrawn that plea at the suggestion of the Court, which had found that no offence at law was proved.

The Bill was then read a second time.

Friday, June 22.

LAW AND EQUITY BILL.

The LORD CHANCELLOR moved that this Bill be referred to a select committee. Having passed the second reading without a division, he desired now that it should be considered in committee by the law lords more particularly, though he should be glad of the assistance of as many of the lay lords as would be willing to co-operate with him. He explained that the object of the Bill was to give the courts of common law the power of deciding any points of equity which arose in cases tried before them, and thus save suitors the expense and delay of applying to the chancery courts to decide that which was in fact part of an action at law being tried elsewhere. The noble and learned lord then pointed out several classes of cases in which this Bill would save suitors delay and expense if it were passed.

HOUSE OF COMMONS.

Friday, June 15.

THE CONSOLIDATION BILLS.

In answer to Mr. BRISCOE,

The SOLICITOR-GENERAL said that before these Bills went into committee they would be reprinted in such a manner as to show at a glance which parts were consolidation and which alterations of the present law.

LAW OF PROPERTY BILL.

The amendments to this Bill were considered and agreed to.

Monday, June 18.

CRIMINAL LUNATIC ASYLUM.

This Bill was read a second time.

Wednesday, June 20.

BUTLER *v.* MOUNTGARRET.

A petition was presented by Mr. Duncombe from the appellant in this case, complaining that justice had not been done him in his appeal to the House of Lords, and praying for a committee thereon.

AGGRAVATED ASSAULTS ACT AMENDMENT.

A petition was also presented by Mr. Alderman Salomons, from the women of Woolwich against this Bill.

PROFESSIONAL OATHS ABOLITION.

Mr. W. EWART, in moving the second reading of this Bill, said that the oaths intended to be abolished were unnecessary. There were a number of ancient statutes which imposed the obligation of an oath upon three professions—those of law, physic, and schoolmasters. They could be traced back to the times of James II. and William and Mary. The oaths imposed on lawyers remained. Physicians and surgeons had emancipated themselves, and with regard to schoolmasters the oaths had become obsolete. It might be said that in the oath of supremacy persons were asked to swear to an untruth when they declared that no one had any spiritual jurisdiction or authority in this country. Putting aside the Roman Catholics, the Moravians—a body which had been regarded with great favour since the time of George II.—had a spiritual head at Hernhutt in Germany; and, therefore, no Moravian could truly make that declaration. Lord Campbell, in his "Life of Lord Chancellor Harcourt," and Mr. Hallam in the 2nd vol. of his "Constitutional History," adopted the view that it would be more consonant with the dignity of the Crown that the duty of the subject should be testified simply by taking the oath of allegiance. Unnecessary oaths tempted to perjury. Those whose consciences were not sufficiently tender would violate such oaths.

Mr. NEWDEGATE said this was the third attempt this session to break up the settlement effected in 1858; but, looking to the state of the House at the present moment, particularly to his own side of it (there were but two members on the opposition benches), he would not discuss it now, but would give notice that on going into committee he would move that the Bill be committed that day six months.

Mr. MILLS and Mr. DENMAN supported the Bill.

Sir G. LEWIS suggested that as the second reading was not opposed, no advantage could arise from a discussion of its principle. He should vote for the second reading, and urge his objections in committee. His chief objection to the Bill was that it did not go far enough.

Mr. S. ESTCOURT said he was afraid that he might be entrapped into a larger measure, and hoped that before the committee the Government would ascertain from their law advisers that the enactments of the Bill would not go beyond what appeared upon its face.

After some further discussion the Bill was read a second time.

AGGRAVATED ASSAULTS ACT AMENDMENT.

Lord RAYNHAM moved that the House go into committee on this Bill.

Lord ENFIELD, in moving that the Bill be committed that day three months, said that the returns which had lately been laid on the table showed that the present law on this subject was not inoperative, and that the powers possessed by the magistrates were sufficient. This return showed that in the last five years 123 cases had been disposed of at the City police courts by convictions with from one to six months' imprisonment; at Bow-street, 75; at Clerkenwell, 301; at Lambeth, 121; at Marlborough-street, 141; at Marylebone, 101; at Southwark, 289; at the Thames Court, 153; and at Worship-street, 264. But even granting that the law had failed, would the means proposed by the Bill have any effect in repressing the offence? There was difficulty enough at present in getting prosecutors to come forward, but this Bill would infinitely increase that difficulty. Was it at all likely that after being subjected to the brutal punishment of flogging, the cruel husband would return to his wife and behave better? The only petitions which had been presented in reference to the Bill were presented by the women of England against it. All our legislation of late years had been of a humanizing character, and a strong feeling had grown up lately in reference to the use of these punishments in the army and navy, that they did not repress offences, but merely brutalized those on whom they were inflicted. But even granting that all the arguments which he had advanced were unsound, the Bill as it stood could not be carried into operation. The third clause gave a power of appeal to quarter sessions, with the privilege of being held to bail. Of course, everybody sentenced to this punishment would appeal. The first thing a man would do when he was bailed would be to wreak his vengeance on his unfortunate victim, and then take himself off altogether. For all these reasons he should move that the Bill be read a second time that day three months.

The amendment was seconded by Mr. HARDY.

Mr. PAULL, Mr. EWART, and Colonel NORTH also spoke against the Bill.

Sir G. C. LEWIS also spoke against the Bill, and stated that he had consulted many of the police magistrates of the metropolis upon the subject, and they were almost unanimous in thinking that the proposed punishment would tend to increase the offence.

Mr. B. CARTER was also opposed to the Bill.

Mr. DEEDES and Mr. PULLER supported the amendment.

Mr. BRADY recommended the withdrawal of the Bill.

Lord RAYNHAM replied.

The House then divided, when the amendment was carried by a majority of 117.

TRIALS OF FELONY AND MISDEMEANOUR.

Mr. DENMAN, in moving the second reading of this Bill, explained that its object was to assimilate the proceedings on trials for felony and misdemeanour to those on trials at Nisi Prius as far as related to the regulation of addresses to the jury. That object would be attained by making it the duty of the judge presiding over such trials, at the close of the case for the prosecution, to ask the prisoner or defendant whether he intended to adduce evidence, and in the event of the answer being in the negative, the prosecuting counsel should then be allowed to address the jury a second time in support of his case. If, on the other hand, the accused or his counsel announced his intention to call evidence, he should be permitted to open his case and then to examine his witnesses, he being also entitled afterwards to sum up the whole of the evidence when it was concluded. That practice had been adopted for the last six years in the hearing of civil actions, and it had been found to afford greater facilities for the discovery of the truth. A great deal of time had been also saved by it through the prevention of much fruitless cross-examination of witnesses, as well as of those lengthened anticipatory observations which counsel, not having the right of reply, were obliged to address to the jury, in order to meet every conceivable turn which the case was likely to take. From not being allowed to sum up the whole of the evidence, at the close the prisoner's counsel were frequently deterred from calling important witnesses, merely because they could not tell what might be the effect upon the jury if these witnesses were shaken on some immaterial part of their testimony. Such a state of things operated most prejudicially to the due administration of justice, and the judge was sometimes compelled by it to take upon himself the functions of an advocate. The evil would be remedied by conceding to counsel on both sides the right of being heard after as well as before they adduced their evidence, in the same order as was now adopted with so much advantage at Nisi Prius. Believing that the Bill would improve the administration of the criminal law, he begged to move its second reading.

Mr. HARDY would not oppose the second reading, but he doubted whether the Bill would be productive of all the benefit anticipated by it, as he thought the analogy between civil and criminal cases failed.

After some discussion, in which the Solicitor-General, Sir G. C. Lewis, Mr. M. Smith, Mr. S. Estcourt, and Mr. Cobbett took part, the Bill was read a second time.

STIPENDIARY MAGISTRATES.

This Bill was read a second time.

Thursday, June 21.

CRIMINAL LUNATIC ASYLUMS.

This Bill passed through committee.

PROFESSIONAL OATHS ABOLITION.

This Bill went through committee *pro formâ*.

NOTICES OF MOTION.

HOUSE OF COMMONS.

Tuesday, June 26.

FELONY AND MISDEMEANOUR.

Committed for this day.

Wednesday, June 27.

PROFESSIONAL OATHS ABOLITION.

Committed to meet this day.

Thursday, June 28.

OFFENCES AGAINST THE PERSON.

MALICIOUS INJURIES TO PROPERTY.

COINAGE OFFENCES.

ACCESSORIES AND ABETTORS.

FORGERY.

LARCENY.

CRIMINAL STATUTES.

Committees deferred until this day.

PENDING MEASURES OF LEGISLATION.

STOCK JOBBING.

Summary of a Bill to Repeal so much of the Statutes relating to Stock Jobbing as prevents persons selling and disposing of Stocks or other Securities of which they are not possessed.

Recital of the 8th section of 7 Geo. 2, c. 8, and also the 10 Geo. 2, c. 8, so far as it makes the previously-mentioned Act perpetual.

1. This section repeals the recited part of the above-mentioned statutes.

2. Persons refusing to transfer or deliver or to accept the transfer or delivery of any stocks or securities to or from any person or persons, under any contract or agreement for the purchase or sale, and transfer or delivery, of such stocks or securities, it shall be lawful for any such last-mentioned person or persons, notwithstanding anything in the said Acts or either of them contained, to pay or receive or recover the difference in the price or value of such stocks or securities so sold or purchased, or *bonâ fide* agreed so to be, as and by way of damages and compensation for the breach of such contract of purchase or sale, without actually buying or selling any stocks or securities in place of the stocks or securities so agreed to be bought or sold.

3. Act not to be deemed or construed to authorize or give validity to any contracts or agreements by way of gaming or wagering, or to any act, matter, or thing prohibited by the said recited Acts, or to repeal or affect the said Acts, save as herein provided.

Recent Decisions.

[*Equity, by* J. NAPIER HIGGINS, Esq., *Barrister-at-Law; Common Law, by* JAMES STEPHEN, Esq., *Barrister-at-Law.*]

EQUITY.

SOLICITOR-EXECUTOR—PROFESSIONAL SERVICES.

Harbin v. *Darby*, M. R., 8 W. R. 512.

Having recently* discussed the rules of courts of equity in relation to solicitors acting as trustees or executors, it is not necessary now to do more than refer, for general principles, to what has been already written upon that subject. A solicitor is no more entitled to charge for his time, skill, or attendance given to the business of the trust estate, than any other trustee or executor. Whatever doubt there might have been upon this question prior to the decision of Lord Lyndhurst (when presiding in the Equity Exchequer), in the case of *New* v. *Jones*, reported 1 McN. & G. 668 (n.), since that decision it has been the unquestionable rule of Courts of Equity, that a solicitor, who is an executor or trustee, is not entitled to be paid his bill of costs for business done by him, as a solicitor, in the execution of his trust. It is, therefore, usual where a testator or settlor desires to have the services of a solicitor as executor or trustee, to insert a clause to the effect that he shall not, by reason of his acceptance of such executorship or trusteeship, be disabled from receiving compensation for his professional services in the business of the trust estate. There was, accordingly, a clause to this effect in the will in *Harbin* v. *Darby*; and the question to be decided was, what the proper construction of the words "professional services" was in such a case? Mr. Harbin (the plaintiff), who had been for many years the solicitor of a testatrix, was named in her will one of her executors, there being a clause that he should be "at liberty to charge for his professional services as if he had not been appointed an executor" of the will. Before the bill was filed, the plaintiff acted, and had incurred costs in the winding-up of the estate; and the taxing-master had allowed all costs for what he considered to be *strictly professional* services of an attorney, solicitor, or conveyancer; but he disallowed all charges for work done which might have been done by any executor, such as attendances on creditors paying their claims, &c. Sir John Romilly, M.R., affirmed this decision. "Where a solicitor," said his Honour, "was employed as executor, it was necessary to distinguish between those charges which belonged to the office of executor, and those which belonged to that of solicitor." The effect of the decision appears to be to confine the right of a solicitor-executor under such a will to make charges only in respect of existing or contemplated suits, or conveyancing, or at all events, of such business as essentially and exclusively belongs to a solicitor. Everybody knows, however, that a large pro-

*Ante, p. 79.

portion of the business of every solicitor does not fall within the last-mentioned category. Solicitors act very extensively as the agents and advisers of their clients, in matters having no immediate relation either to suits at law or in equity, or to the preparation of conveyances; and it has been found practically very convenient that, as a rule, they should be usually selected for the discharge of such duties. There is no doubt that an executor would be allowed the expense of employing a solicitor to do many things for which the solicitor would not be allowed to make his usual professional charge if he himself were executor, see *McNamara* v. *Jones*, Dick. 587. *Johnson* v. *Telford*, 3 Russ. 477, is an authority that although an executor or trustee is not entitled to be allowed, without question, the amount of the bills of costs which he has paid *bonâ fide* to the solicitor to the trust, yet that such bills are not to be subjected to strict taxation. Every trustee is at liberty to employ proper assistance at the expense of the trust estate; although the question has often been raised in certain cases, whether a trustee has not, by acceptance of the trust, undertaken to discharge personally duties which he ought not to delegate to any agent. Of course, wherever this rule would apply, a solicitor who accepts a trust—even where provision is made for his professional remuneration—cannot expect to be in any better position than that of an ordinary trustee. But wherever the custom or convenience of trustees or executors justified the employment of a solicitor, either as a professional agent or adviser, it would appear fair not to draw a distinction between such cases and those of strict professional services, meaning thereby such services as no one else than a solicitor could discharge. In *Willis* v. *Kebble*, 1 Beav. 559, where a testator authorised his trustees to retain "all costs, charges, and expenses, fees to counsel and for advice, and for professional assistance and loss of time," about the trust, and one of the trustees was a land agent, who, after the testator's death, took upon himself the active management of the estates, he was held to be entitled to compensation for loss of time. Many solicitors' charges are measured merely by the loss of time, and not by the character, nature, or value of the subject matter about which the solicitor is engaged.

The immediate effect of the decision in *Harbin* v. *Darby* will of course, be to introduce a few more words into the clause usually inserted in wills, enabling solicitors to charge for their professional services. Where a testator intends that the solicitor's bill against his estate after his death shall be made out in the same manner as it had been during his life, there need be no difficulty of using fit expressions to carry such intention into effect.

COMMON LAW.

PRACTICE—COSTS IN ARREST OF JUDGMENT.

Whaley v. *Laing*, 8 W. R., Exch., 439.

Under the practice before the Procedure Act, 1852, when judgment was arrested, there were no costs paid by either party to the other. Now, however, the rule is so far modified by 15 & 16 Vict. c. 76, s. 145, that a plaintiff whose judgment is arrested, is entitled to receive from the defendant the costs of any issues of fact on which the plaintiff has succeeded, which arose out of the faulty pleading. The object of this enactment was, it may be presumed, still further to discourage pleading to a demurrable declaration, a practice which leads to needless expense and delay. The proper construction of this section came into discussion in the present case. The declaration was ultimately decided by the Court of Exchequer Chamber to be bad, and therefore the judgment thereon, which had been given for the plaintiff, was arrested. On this, the Master gave the plaintiff on taxation all the costs he considered to have been occasioned by the defendant's having originally neglected to demur; namely, the costs of drawing up the issue, of the brief, and of the trial at nisi prius. Moreover, inasmuch as at the trial this cause was referred, the Master considered these costs, also, to have been occasioned by the defendant's pleading over, and gave them to the plaintiff under the above section. It so happened that the arbitrator stated a special case, and that this special case was at first decided in favour of the plaintiff, but ultimately by the Court of error in favour of the defendant. The costs occasioned by these proceedings in error the Master allowed to *neither party*; acting on the general rule that costs in error, where the original judgment is reversed, are not allowable. This mode of calculation adopted by the Master was approved by the Court; and they also held that the fact that the order of reference directing the costs of the reference, award, and special case "to abide the event," made no difference; except, indeed, to extend the rule of given by 15 & 16 Vict. c. 76, s. 145, for the general costs of the cause, to those incidental proceedings.

PRACTICE—TAXATION OF COSTS—HIGHER AND LOWER SCALE—EFFECT OF TENDER AND PAYMENT INTO COURT.

James v. *Vane*, 8 W. R., Q. B., 446.

This case is of some importance, as the point it involves is one of frequent occurrence; and the practice in the Master's offices (in consequence of a decision, to which reference will presently be made) has been, it is believed, different from what it will be hereafter. The question was this:—whether a plaintiff may join together in a single action several distinct claims in respect of breaches of contract, and refuse a sum tendered before suit and paid into court, in respect of one or more of them, so as to enable him to recover costs on the higher scale? For example, in the present case the action was brought for goods supplied, *and* for board and lodging. The defendant tendered before action a certain sum; which being refused, and an action brought for the whole sum claimed, he paid into court. The jury gave the plaintiff a small sum in excess of the money paid in; and the Court held, that though the sum sued for and indorsed on the writ of summons exceeded £20, the costs of the action must be taxed on the lower scale, in accordance with the 8th of the Directions to the Masters, issued 27th January, 1853. This directs that in all actions on contract (other than cases wherein by reason of the nature of the action, no writ of trial can by law be issued), where the sum indorsed on the summons is more than £20, but the plaintiff fails to *recover* more than that sum, and there is no judge's certificate to the contrary, the plaintiff's costs as against the defendant (whether between party and party, or as between attorney and client), shall be taxed on the lower scale; though the defendant's costs, if any, are to be taxed on the higher scale. The object of the above directions, which are substantially the same in this respect as those previously in force, seems to be to ensure the recourse by the plaintiff to a *writ of trial*, instead of the more costly method of a trial at nisi prius, in all cases where the questions in controversy between the parties may properly be so determined. Now there are a variety of decisions in the books, which show that the general manner of construing these directions is, that wherever the plaintiff *ultimately* gets no more than £20—whether by the effect of an arbitrator's award (*Waller* v. *Smith*, 3 Mee & W. 138), or by a Master's certificate, or by a verdict, or by the amount being reduced by the defendant's proving *pro tanto*, a set-off (see *Savage* v. *Lipscombe*, 5 D. P. C. 385; *Parker* v. *Serle*, 6 D. P. C. 334), or by an abandonment of part of the claim—the costs must be on the lower scale; on the other hand, it has been in two cases held, that where the amount recovered, *added to a sum paid into court*, exceeds £20, the plaintiff is entitled to the higher scale (*Masters* v. *Tickler* 2 Har. & W. 81; *Fewster* v. *Boggett* 9 Mee & W. 20), and in the case to which allusion has already been made, viz. *Cooch* v. *Maltby* (23 L. J., Q. B., 305), Mr. Justice Wightman ruled, that where the amount recovered added to a sum tendered before action and refused, exceeded the £20, the plaintiff was similarly entitled. The ground on which Mr. Justice Wightman proceeded was, that a plea of tender is not in bar of the action, but of the damages only; and that consequently in the case of such a plea, the plaintiff "recovers" the sum tendered as well as the sum given in excess. This, however, was in opposition to a previous ruling of Mr. Baron Alderson in *Dixon* v. *Walker* (7 Mee & W. 214), whose law has in the present case been recognised as correct. And it may now be considered as settled law, that money paid into court (as it would seem, whether accompanied or not by a tender before suit to the same amount), is not *recovered* by the plaintiff in the action, so as to influence the scale according to which the costs therein are to be taxed. It may be incidentally remarked, that it has also been held, that though an award of less than £20 by an arbitrator is a "recovery" in the cause so as to affect the taxation, yet the costs of the *reference* are not within those directions which apply only to the costs of the cause (*Holland* v. *Vincent*, 9 Exch. 274). And, finally, notice may be taken here of a recent decision of the Queen Bench, which is much in favour of the defendant in the present case, though it does not appear to have been referred to. This is *Tonge* v. *Chadwick* (5 Ell. & Bl. 950), which was a declaration on the money counts claiming a balance of £36, to which the defendant (*inter alia*) pleaded a set-off, in respect of which issue the jury found a balance for the plaintiff of about £5. Here the Court held that the lower scale must be adopted, Lord Campbell saying, "It is perfectly just and convenient that the costs should be made to depend on the actual balance recovered. Had the set-off overtopped the demand, the defendant would have had the costs of the cause against the plaintiff; as it is, the defendant has to pay those costs, but on the lower scale."

Correspondence.

PROFESSIONAL REMUNERATION IN FRANCE.

A few weeks ago we received from a correspondent a letter of inquiry as to the mode and character of remuneration of avoués or attorneys in France, in the preparation of deeds and other instruments. We abstained from publishing the letter, intending to submit it to our Paris correspondent, who is an advocate of the French bar, for information on the subject. In answer to our communication we have been favoured with the following reply:—

"PARIS.

"As to the point upon which the correspondent of whose letter you have forwarded me a copy requests information, I am sorry the French law will afford him none which will serve his purpose. Certain deeds and instruments are drawn either by counsel, solicitors, or notaries, indifferently; others exclusively by notaries; but in neither case are the charges settled by law; they are a matter of agreement. The notaries, however, of the various towns have settled among themselves a scale of charges, which varies, I believe, from place to place, and which, though generally followed in practice, is not legally binding. I send you a sketch of that followed in Paris; it is on the *ad valorem* plan. One per cent. is habitually charged on deeds of sale, distribution of property, mortgages, &c., where the capital does not exceed 500,000 francs (£20,000); half per cent. between £20,000 and £40,000; a quarter per cent. above that sum. One half per cent. is paid on notarial receipts and mortgages where the loan has not been procured by the notary, and a quarter per cent. upon the total of the rents for the whole term for leases, or upon the sum of the property belonging to or settled on the husband and wife in contracts of marriage.

"A. JONES."

REMUNERATION OF WITNESSES IN CRIMINAL CASES.

Respecting the query of "W." (p.622), it is conceived that the prosecutor is not liable; and the attorney not so, except probably to the Court of Queen's Bench for breach of an implied duty, which will depend upon the facts. A witness in such a case ought to be enabled to obtain payment direct from the county treasurer.

W. F.

COUNTY COURT PRACTICE.

A work of the sort suggested by "J. R." (p. 621), is much wanted by county court practitioners; costs and witnesses' allowances are often put at several different parts of a book, and what is wanted can seldom be found.

Z.

Review.

Principles of the Law of Scotland. By JOHN ERSKINE, of Carnock, Esq., Advocate. A new edition, adapted to the present state of the law. By JOHN GUTHRIE SMITH, Esq., Advocate, Author of "A Digest of the Poor Law." Edinburgh: Bell & Bradfute. London: W. Maxwell. 1860.

We lately had occasion to notice a work on English and Scotch law; and we have now before us a book, exclusively on the latter system, which in its general plan, and in many of its details, differs so widely from our own. Erskine has been called the Blackstone of Scotland; and, making every allowance for Lord Stair's great work, the appellation is not only a just one, but, indeed, there are several curious points of resemblance in the position of the two writers; albeit Erskine was of gentler blood than the English commentator, having been, as the preface before us states, eldest son of the Hon. John Erskine, and grandson of Lord Cardross; while Blackstone was, as we all know, the son of a silk mercer. Neither of them succeeded at the bar, at least at first; and they both attained their fame by academical lectures. Erskine was for twenty-eight years professor of the law of Scotland in the University of Edinburgh; and Blackstone performed similar duty at Oxford, as Vinerian lecturer. In both cases, the lectures formed the body of the works of these great lawyers. The Scotchman flourished some time before our own commentator, Erskine having been admitted advocate in 1719, while Blackstone was not called to the bar till 1746, nine years before which period, namely, in 1737, Erskine was appointed Law Professor. There was no great distance of time between their deaths, Erskine having died in professorial harness in 1773, at the ripe old age of 74; while Blackstone's career was cut short as a judge of the Common Pleas in 1780, when he was only 57.

The work now before us, in its original form, as it proceeded from the hands of Erskine himself, has ever been held in the highest esteem, and allowed to be of great authority in Scotland; so much so that, until within the last few years, it was used as the text-book for examination of candidates for the bar previous to their call. It is not to be confounded with the other and larger work by the same author, called the "Institutes," or "Big Erskine," as Scotch lawyers familiarly call it, and which perhaps, from its greater detail and minuteness of dissertation, has been more in use in the practice of the profession than the "Principles," or "Little Erskine." The former is a posthumous work, not having been published till five years after Erskine's death in 1773; while the "Principles" were carefully prepared and carried through the press in his lifetime by the author himself, and they are in consequence characterised by a finish and symmetry of form and style which do not in the same degree distinguish the "Institutes."

The present new edition is numerically the thirteenth, and it is the first in which any attempt has been made to interfere with the author's text. The immediate considerations which suggested it are disclosed to us in the preface, where, after a just tribute to the great legal and literary merit of the original, the editor observes:—

"Time, however, was beginning to tell on its utility. When Erskine wrote, the principles which governed our system of land rights had been matured to a degree that has not since been exceeded; and in this branch the great merits of the work, even at the present day, can scarcely be surpassed. But a century ago the commerce of the country was undeveloped, and mercantile law, as now understood, was comparatively unknown. The importance which now attaches to this part of the law suggested the publication of a new edition of the work, in which the deficiencies in this particular might be supplied, and such changes made on the original text as seemed necessary to adapt it to the existing state of the law."

It was this statement that chiefly interested us. For the Scotch law of real property, which by the "system of land rights" must be understood, is so peculiar, and so widely different in theory and practice, effect and form, from the corresponding department of jurisprudence in this country, that it would serve no purpose to have detained our readers with any notice of it. The mercantile law of Scotland, however—at least, that modern development of it which was the moving cause of the production of the work—is almost exclusively taken from the law of England, as, indeed, Mr. Smith himself shows by his numerous references to English authorities on this subject. This part of the work may be said to begin with "obligations in general," and includes contracts, insurance, and bankruptcy. In executing his design, Mr. Smith's difficulty evidently was so to reduce the materials before him for his new matter, as to incorporate it with the utmost possible similitude to the retained original text, which he distinguishes from his own by inverted commas. And from the examination we have been able to give to his labours, we are bound to say that their merit is in some respects not inconsiderable. It is not, however, inconsistent with this tribute, if we at the same time to express the opinion, that it did not need the inverted commas to distinguish the one text from the other; and Mr. Smith himself will not find fault with us, and we really do not detract from his merit, when we venture to remark that in phraseology and style he does not improve upon his accomplished original,—nay, we occasionally observe a *wordiness* about his sentences which does not add to their clearness, and which contrasts unfavourably with the accuracy and classical simplicity of Erskine. Perhaps all this might have been anticipated, and the task of editing the book committed to a lawyer of more matured learning and greater literary experience than a gentleman of Mr. Smith's standing, could, with the utmost possible merits of his own, fairly lay claim to. We do not know whether there are any Erskines at the Scotch bar at present; but we must candidly declare, that we should have preferred "a new edition" from a lawyer of greater professional authority and weight. But let us give Mr. Smith his due. We do not know, nor perhaps is he bound to tell us, to what extent he has laid other treatises under contribution; but we must do him the justice to say that he has stated the law of contracts with much intelligent discrimination; although, on this subject, he has scarcely added to what Professor Bell has already done on the same subject. He has a useful chapter on

"negotiable instruments," by which he means bills of exchange, promissory notes, and bills of lading. We must say, in passing, that it looks to us exceedingly unlike Erskine to warn the reader to "keep these elementary considerations in view," nor do we like such solemn redundancy as the following:—"With these general observations on the nature of the instrument, we proceed to consider its requisites *more particularly*." The law of insurance is a brief and intended to be an elementary statement. It is in reality the learned editor's own reading of the law of England, with an occasional reference to a Scotch case by way of taking possession of the convenient regulations stated. But he has not carried his reading far enough on the following point. On the subject of life assurance, he states, page 517:—

"It has been doubted whether, when the creditor has opened an insurance on the life of the debtor for his own security, it would not fall by the discharge of the obligation. The question was decided in the affirmative; but the soundness of this decision has been strongly called in question." He here refers to the case of *Goodsal* v. *Boldero*, 9 East. 71, the soundness of which has not only been questioned, but the case itself has been expressly overruled by *Dalby* v. *The India and London Life Assurance Company*, 15 C. B. 365. See also *Law* v. *The Indisputable Life Policy Company*, 3 W. R. 154.

The law of bankruptcy is interesting to us just now, and we have always admitted the superior merit of the Scotch system of administering the estates of bankrupts; we trust soon to congratulate the public and the profession, on our having a code of regulations which will put our bankruptcy procedure on a sounder and more permanent footing than it hitherto has had.

The only other subject we would here notice, is the chapter in the work before us on trusts, which surely is insufficient for even an elementary dissertation, for it occupies less than twelve pages; contributed, by the way, not by Mr. Smith himself, but, as we are told in the preface, by Mr. John M'Laren, a young gentleman who, we believe, is a connection of the energetic member for Birmingham, Mr. John Bright, M.P. Of all departments, this is the one that is least satisfactorily treated by Scotch lawyers; their views being characterised by a looseness and indifference to strict principle which would frequently astonish the English Court of Chancery. Originally, the Scotch law on this subject derived from the *fidei commissa* of the Roman law was very sound; and no one could look at "Lord Kames's Principles of Equity" without seeing that he thoroughly understood the doctrines relating to trusts. But towards the end of the last century, a loose course of practice, degenerating in too many instances into positive error, came over the Court of Session, which it has only of late years been attempting to throw off. In such judicial endeavours to return to sounder practice, the lately deceased Lord Justice Clerk Hope deserves the greatest credit for the unflinching and persevering manner in which he applied his mind to the purification, in his own court, of this department of equity. His lordship made himself, we believe, particularly obnoxious to the "law agents," that is to the writers to the signet or others of the solicitor body in Scotland, by the unbending strictness with which he applied to them the principle that a trustee cannot derive any profit from the administration of his office, and cannot be permitted to place himself in a situation in which his interest as an individual may conflict with his duty to the "beneficiaries," or *cestuis que trust*. It had been the common practice in Scotland in family settlements to include the family solicitor among the trustees; and the consequence generally was, as may be imagined, the solicitor, without waiting for instructions, instructed himself in his double capacity, and a nice little bill of costs against the estate was the yearly price which was uncomplainingly paid for the advantage of such excellent management. For a long time, indeed, this professional custom was connived at by the Court of Session, and in many cases was expressly approved by that tribunal. But, not long after he had taken his seat on the bench, the learned judge to whom we have referred, mercilessly upset this comfortable state of things, to the utter confusion and dismay of the writers. These worthy gentlemen, indeed, after realising the full extent of the inconvenient heresy to which the court had so resolutely committed itself, took up the judicial *coup*, we understand, seriously and sullenly as matter of personal offence to them; and men of irreproachable private character, and of spotless Free Kirk orthodoxy, were heard at times to express themselves in terms of indignant surprise at the highly "inexpedient" doings of their court—complaining of such unnecessary importation of English justice, and that it was too bad to have the English Court of Chancery overbearing the paternal rule of the Court of Session! But in all this our Scotch friends were quite mistaken. If they had been better read in their own system, they would have known that Justice Clerk Hope was applying no more English rule of equity, but a principle that is recognised in the most distinct and unqualified manner by the old Scotch authorities. Lord Kames, for instance, to whose book we have referred, describes such conduct as *poisonous*, and there is no other view to be found on the subject in any of the old Scotch books; not is it likely that the House of Lords will sanction any return to the free and easy times, so strongly repudiated by Lord Justice Clerk Hope. It is not to be imagined, however, that trusts in Scotland are in all respects upon the same footing as in England. They have nothing to do with the statute of uses there, and perhaps it is just as well they have not, while some of the Scotch rules on this subject are peculiar. But we have not space for extending our remarks on this subject, contenting ourselves with referring to Mr. Smith's chapter, which, although it is scarcely long enough for even an elementary statement, it may afford a good foundation for a more practical and comprehensive exposition; and not only for Scotland, but for this country also. For although trusts are with us the creature of equity, and entirely owing to the judicial wisdom of the Court of Chancery, we are not aware of the existence of any such treatise as we think the profession requires. Mr. Lewin's learned and elaborate treatise, perhaps, contains all the doctrine that is necessary to be stated; but, from its technical phraseology, it is almost a closed book to any but the denizens of Lincoln's-inn.

The remainder of Mr. Smith's work is occupied with the law of succession or inheritance; the constitution of the Court of Session, its judges, practitioners, officers, and modes of procedure; crimes and offences; and other matters, in which we must not overlook a well-digested chapter on the Scotch poor law, wherein, by the way, our eye has caught a sentence which shows our editor's *esprit du corps*, and his sympathy with professional habits; for he tells us that such "absence" as interrupts residence in the sense of the poor law must be something different from *the annual absence of lawyers during the long vacation!*

We cannot close these remarks without commending the appendix, which comprises a number of important texts in the civil law taken from *Dupin's Opuscles de Jurisprudence.*

Societies and Institutions.

UNITED LAW CLERKS' SOCIETY.

The 28th anniversary dinner of this excellent institution took place at the Freemasons Tavern, on Tuesday, the 19th instant. Lord Chelmsford was to have presided on the occasion; but his lordship was prevented from attending in consequence of his political duties requiring his lordship's presence elsewhere. His lordship, however, wrote a very kind note to Lord Justice Turner, requesting him to preside on the occasion. Lord Justice Sir G. J. Turner therefore took the chair. He was supported by the Hon. Sir George Rose, Mr. Roundell Palmer, Q.C., Mr. Montague Smith, Q.C., M.P., Mr. W. T. S. Daniel, Q.C., Mr. J. H. Palmer, Q.C., Mr. W. D. Lewis, Q.C., Mr. R. P. Amphlett, Q.C., Serjeant Herbert Jones, Dr. Deane, Dr. Swabey, Mr. Welsby, Mr. Clement Milward, Mr. Pike, Mr. Shebbeare, and other members of the equity and common law bars; also by Mr. Bigg, one of the society's trustees, Mr. Registrar Milne, Mr. Bristow, M.P., Mr. W. S. Cookson, Mr. E. White, Mr. Dalrymple, Mr. J. W. Hawkins, Mr. N. C. Milne, Mr. Leman, and other members of the profession.

After the cloth was removed, the usual loyal and patriotic toasts were given, and met with a most hearty reception.

At the close of the toasts, the secretary of the society, Mr. H. G. Rogers, read the report of the last year's proceedings, which stated that during the past year thirty-seven members had required the relief afforded in illness, and that it had been granted to them to the amount of £501 16*s.* 10*d.* Of the thirty-seven cases mentioned, six terminated in death, and three in permanent affliction. The total amount paid on account of illness has reached the sum of £4,883 16*s.* 6*d.*

The claims through permanent affliction continued to increase. At the last anniversary there were seven of these claims. During the year one had ceased through the member's death, but three new claims had been received, and, after due investigation, allowed. Of the nine existing cases, six of the claims arise from affections of the brain, as did that of the deceased member; his case was a good example of the utility of

the society. He joined it in 1840, being then twenty-five years of age. Five years afterwards he was seized with severe illness which terminated in total disability. For thirteen years he was a claimant upon the funds, and he and his family have received £474 14*s.* 6*d.*, in return for subscriptions amounting to £42 10*s.* 6*d.* Of the nine members now in receipt of this allowance, and who will continue in receipt of it for life, two receive yearly £31 4*s.*, and the other seven £36 8*s.* each; thus requiring a yearly expenditure of £317 4*s.* to meet their claims alone.

Seven deaths had occurred amongst the members during the year, and to the family of each £50 had been paid. Two members' wives had died during the same period, and each of those members received £25. The total sum paid since 1832, on the decease of members and their wives, was £6,902 10*s.*

The numerous claims upon the general fund had prevented any considerable increase to the society's capital; but some addition had been made to it, and this, after satisfying every demand. The present state of the general fund was as follows:—On the 4th of April, 1859, the capital amounted to £23,432 8*s.* 10*d.* During the year, £2,903 16*s.* 1*d.* had been received, and £1,561 5*s.* 7*d.* expended. The difference had been added to the society's capital, every available portion of which was invested in the names of the three trustees with the Commissioners for the Reduction of the National Debt. Those investments on the 4th April, 1859, were £23,260 3*s.* 2*d.* On the 2nd April last, they were increased to £24,735 1*s.* 9*d.* Remembering that each pensioned member required the interest of £1,200 capital, and that there were then nearly seven hundred members, the importance of adding to those investments could not be over-estimated.

There had been forty-four applications for relief out of the casual fund; six were from members and the widows of member, and the rest from law clerks and the widows of law clerks, who had never contributed to the funds. The relief afforded consists of gifts not exceeding £5. Of these forty-four cases, thirty-one were from deserving persons, who were relieved. Although there would always be applicants needing assistance out of that branch of the society's funds, yet notwithstanding the claims upon the principal fund were increasing, there was a diminution in those for casual aid, which was attributable, in some measure, to the encouragement the society had afforded to the formation of habits of prudence and forethought amongst law clerks generally. Out of this fund several small loans to members had been granted. £427 had been expended in those different payments, making the total amount of casual assistance afforded by the society since its establishment £8,149 16*s.* 0*d.* The condition of that fund was more favourable than last year. At the audit in April, 1859, the cash in hand amounted to £160 18*s.* 8*d.* During the year, the receipts had been £529 8*s.* 3*d.*, of which £457 9*s.* 0*d.* had been expended in gifts, loans, and some trifling disbursements. The difference had increased the amount in hand to £232 17*s.* 11*d.* The society inculcates amongst its members the importance of making some provision for the infirmities of life whilst they are able to do so. During the year they have contributed towards the accomplishment of this object £1,411 17*s.* 6*d.*, in addition to £173 16*s.* 0*d.* subscribed to assist non-members and their families. The sum paid to members and expended in relieving non-members and their families since 1832 amounted to nearly £20,000, and an equal sum had been set apart to provide for obligations which must inevitably arise. The present favourable position of the society was in a great measure owing to the assistance it has received from the profession; and in conclusion, the secretary, on behalf of the society, returned their sincere thanks for the kind and liberal patronage bestowed upon it.

The Chairman, in proposing the toast of the evening, "Prosperity to the United Law Clerks' Society," stated the cause of Lord Chelmsford's absence, and his regret that his noble friend could not be present, as he was engaged in the discharge of his public duties in the House of Lords. He had received a letter from his noble friend, explaining the circumstances, and enclosing a donation of ten guineas. He had also received a donation to a like amount from Lord St. Leonards. He had now to propose "Prosperity to the United Law Clerks' Society." He was placed in that chair five years ago in his own right, whereas now he was filling the office as deputy for his noble friend. But it was with no less surprise than pleasure that he had to state to the meeting that in those five years the number of members had doubled, and the amount of their funds had increased by no less than £3,000. The society was not self-supporting; it had been established 28 years, and they must naturally look to increased responsibility. He concluded by urging upon the company the claims of the Society to their liberal support.

The Secretary then read the list of donations and subscriptions, which at the close of the evening amounted to upwards of £500.

Mr. M. Smith, Q.C., proposed "The Lord Chancellor and the other Patrons of the Society," and the toast was responded to by Sir George Rose in a very humorous speech.

Mr. Roundell Palmer, Q.C., proposed "The Chairman," who responded in appropriate terms.

Other complimentary toasts followed, and the company, including a great number of ladies who graced the gallery, parted at a late hour, much pleased with the evening's proceedings.

Obituary.

MR. COMMISSIONER MURPHY.

The intelligence of the death of Mr. Serjeant Murphy, which appeared in the newspapers of this week, has produced a painful sensation, not only amongst members of the profession, but generally throughout London society, where Serjeant Murphy was known for many years in numerous (and some distinguished) circles. Without the pretensions to oratory of his more eloquent countryman, Mr. Charles Phillips, few men were so largely endowed with qualities calculated to make a figure in forensic or in political, but especially in social life, as the late Serjeant Murphy. Of great natural quickness and intelligence, witty and humorous, and possessing all the advantages of high intellectual cultivation and taste, combined with a manner extremely winning and cordial, few men have ever been called to the bar who had the means of great success more easily within their reach. These great advantages, however, were to a considerable extent neutralized—so far as professional success was concerned—by too much devotion to the pleasures of society, and consequently a want of steady application to the claims of an arduous and exacting profession. Mr. Murphy was called to the bar by the Society of Lincoln's Inn, in Hilary Term, 1833, and shortly afterwards joined the Northern Circuit, where at first he seemed destined to occupy a foremost place; and before long he in fact succeeded in establishing himself as a prominent junior. For some years, we believe, he did a considerable business in Liverpool and elsewhere on the circuit; and the general feeling was that he might easily have obtained a much greater share, if he had reserved for the jury the wit and fun which he hourly squandered on all sides amongst his brethren of the bar. But the social element in his nature was so strong, and his love of his proper work for its own sake was so feeble, that clients did not take long to discover this serious drawback in the character of the then rising advocate; and notwithstanding all his unquestionable abilities, Mr. Murphy never attained any high reputation as a lawyer, although his name was so frequently heard as a sayer of good things, that in the course of time hardly any joke or *bon mot* received currency in Westminster Hall, that Serjeant Murphy did not sooner or later receive the credit of its authorship. In 1842 he took the degree of the coif with a patent of precedence; and for many years represented in the House of Commons the city of Cork, of which he was a native, and where his family, who were engaged in trade, formerly possessed considerable wealth and influence; one of his brothers, if we are not mistaken, being bishop for the diocese, in the Roman Catholic Church. Although he possessed some qualities which would have enabled him to have achieved a better position in the House than usually falls to the lot of lawyers, he earned no higher reputation in that arena than he had done at the bar. He was, however, universally recognised as an effective and racy speaker, and accomplished humorist. In 1853, upon the death of Mr. Commissioner Reynolds, Serjeant Murphy retired from Parliament, and was appointed a Commissioner of the Insolvent Debtors' Court, since which time he appears to have lived in comparative seclusion. He discharged the duties of his office with assiduity, and altogether in an exemplary manner. For some time previous to his death it is said that he was broken down in health, and suffered a great deal from an affection of the throat, which, we believe, was the immediate cause of his death, the announcement of which, as we have said, has made generally a painful impression wherever the late Serjeant Murphy was known.

All those who knew anything of him cannot fail to reflect upon what such a man might have done if he were more true to himself, and had a deeper sense of responsibility for the proper employment of his great and varied talents. Many, too, apart from any such reflections as these, will lament the loss of one who although he said many witty things, perhaps never said one that was harsh or that was meant to give pain; who was always courteous and considerate to all who were brought into contact with him; and who was himself alone the sufferer for his own shortcomings and indifference to the necessary means of professional success.

University Intelligence.

OXFORD, JUNE 15.

The Examiners in Law and History have issued the following Class List:—

LAW AND HISTORY.

CLASS I.

Arnold, F.	Christ Church.
Browne, T. L. M.	University.
Evans, J. W.	Jesus.
Kennaway, J. H.	Balliol.

CLASS II.

Bedwell, T.	Corpus Christi.
Gem, S. H.	University.

CLASS III.

Adam, G. R.	St. Edmund's Hall.
Baldwin, O. de L.	Brasenose.

CLASS IV.

Campbell, W. A.	Worcester.
Winstanley, F. L.	St. Alban Hall.

R. OWEN, M. BERNARD, C. E. OAKLEY, } Examiners.

THE COMMEMORATION, June 2.—The honorary degree of D.C.L. was this day conferred on Lord Brougham and the Attorney-General (Sir Richard Bethell).

Court Papers.

Rolls Court.

The Master of the Rolls will take Petitions, Short Causes, &c., on Monday next, the 25th instant, instead of Saturday the 23rd, when this Court will not sit.

June 19, 1860.

Exchequer of Pleas.

NEW CASES.—TRINITY TERM, 1860.

SPECIAL PAPER.

Dem.	Hazard v. Mare.
Sp. Case.	Grand Union Canal Company v. Ashby.

Summer Circuits of the Judges.

1860.

WILLES, J., will remain in town.

Home.

COCKBURN, L. C. J., and BLACKBURN, J.

Hertford	Tuesday	July 10.
Chelmsford	Monday	July 16.
Lewes	Friday	July 20.
Maidstone	Thursday	July 26.
Guildford	Thursday	August 2.

Norfolk.

ERLE, L. C. J., and POLLOCK, L. C. B.

Aylesbury	Thursday	July 12.
Bedford	Monday	July 16.
Huntingdon	Wednesday	July 18.
Cambridge	Friday	July 20.
Norwich and City	Wednesday	July 25.
Ipswich	Tuesday	July 31.

Midland.

WIGHTMAN, J., and WILLIAMS, J.

Oakham	Tuesday	July 10.
Northampton	Wednesday	July 11.
Leicester and Borough	Saturday	July 14.
Nottingham and Town	Wednesday	July 18.
Lincoln and City	Saturday	July 21.
Derby	Thursday	July 26.
Warwick	Tuesday	July 31.

Northern.

MARTIN, B., and WILDE, B.

York and City	Monday	July 9.
Durham	Saturday	July 21.
Newcastle and Town	Thursday	July 26.
Carlisle	Tuesday	July 31.
Appleby	Friday	August 3.
Lancaster	Saturday	August 4.
Liverpool	Wednesday	August 8.

North Wales.

CROMPTON, J.

Newtown	Monday	July 16.
Dolgelly	Thursday	July 19.
Carnarvon	Saturday	July 21.
Beaumaris	Wednesday	July 25.
Ruthin	Saturday	July 28.
Mold	Wednesday	August 1.
Chester and City	Saturday	August 4.

South Wales.

BRAMWELL, B.

Cardigan	Wednesday	July 4.
Haverfordwest and Town	Saturday	July 7.
Carmarthen	Wednesday	July 11.
Cardiff	Saturday	July 14.
Brecon	Monday	July 30.
Presteign	Thursday	August 2.
Chester and City	Saturday	August 4.

Western.

CHANNELL, B., and KEATING, J.

Winchester	Wednesday	July 11.
Salisbury	Wednesday	July 18.
Dorchester	Saturday	July 21.
Exeter and City	Thursday	July 26.
Bodmin	Thursday	August 2.
Wells	Tuesday	August 7.
Bristol	Saturday	August 11.

Oxford.

BYLES, J., and HILL, J.

Abingdon	Monday	July 9.
Oxford	Wednesday	July 11.
Worcester and City	Saturday	July 14.
Stafford	Thursday	July 19.
Shrewsbury	Saturday	July 28.
Hereford	Wednesday	August 1.
Monmouth	Friday	August 3.
Gloucester and City	Wednesday	August 8.

Births, Marriages, and Deaths.

BIRTHS.

EVANS—On June 18, the wife of William David Evans, Esq., Barrister at-Law, of Lincoln's-inn, of a daughter.

GODKIN—On May 30, at New York, the wife of Edward Laurance Godkin, Esq., Barrister-at-law, of a son.

KENNEDY—On June 12, at 31, Grenville-street, Dublin, the wife of W. Kennedy, Esq., M.D., and daughter of the Right Hon. Judge Hayes, of a daughter.

MAYD—On June 20, the wife of William Mayd, Esq., Barrister-at-law, of the Inner Temple, of a daughter.

M'CARTHY—On June 15, at 129, Stephen's-green, Dublin, the wife of Denis Florence M'Carthy, Esq., Barrister-at-Law, of a daughter.

MARRIAGES.

ALLEN—GETHING—On June 14, William Simmons Allen, Esq., Solicitor, Birmingham, to Mary Jane, eldest daughter of Robert Gething, Esq., of Newport.

HUNT—PLOWMAN—On June 19, Mr. Andrew Hunt, of Whitstable, Kent, Farmer, to Martha Plowman, ward of Thomas Gibson Brewer, Esq., Solicitor, of 3, Philpot-lane, City.

JEBB—ROY—On June 14, John Joshua Jebb, third son of Samuel Henry Jebb, Esq., Solicitor, Boston, to Georgiana Hutton Roy, fourth daughter of the late William Roy, D.D., rector of Skirbeck.

PERKINS—DAY—On June 19, Frederick Perkins, Esq., Solicitor, of Loughborough, to Eleanora, younger daughter of the late James Salmon Day, Esq., of Reed House, Hatherleigh, Devon.

THORSTON—OGILVIE—On June 14, Edward Thorston, Esq., Barrister-at-Law, of the Inner Temple, to Catherine, Daughter of the Rev. Dr. Ogilvie, rector of Ross.

DEATHS.

ELLABY—On June 18, Philip Edward, youngest child of Mr. Ellaby, Solicitor, of Pracras-lane, E.C., aged 13 months.

O'HANLON—On June 16, at his residence, Baltrasna, Ardee, Patrick M O'Hanlon, Esq., Sessional Crown Solicitor for the county Louth.

SIMPSON—On June 12, at Ballyclare, county Antrim, Margaret Richards, only daughter of William Simpson, Esq., Solicitor, aged one year and seven months.

SHACKLETON—On June 18, in his 70th year, at his residence, 17, Baker-street, Liverpool, Thomas Shackleton, Esq., who was admitted on the roll in 1814.

WALKER—On June 15, at Bray, Ireland, C. Walker, Esq., son of the late M. C. Walker, Esq., Barrister-at-Law.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

COBB, FREDERICK, Gent., of Sutton House, near Malton, Yorkshire, £50 Reduced Three per Cents.—Claimed by the Accountant-General of the Court of Chancery, pursuant to an order of the said Court, dated the 7th of May, 1860, "In the Matter of Frederick Cobb, a person of unsound mind."

DURNFORD, ANTHONY WILLIAM, Esq., of Twickenham, £100 Consols.—Claimed by EDWARD WILLIAM DURNFORD, the acting surviving executor.

MEREDITH. RICHARD, Captain Royal Navy, and LOUISA BARLOW HOY, of Thornhill House, Hants, £200 9s. Consols.—Claimed by LOUISA BARLOW HOY (now of age), the survivor.

SAINSBURY, WILLIAM, Mason, of West Lavington, Wilts, £97 6s. 8d. Consols.—Claimed by WILLIAM BAKER and JOHN BAKER, the executors.

Heirs at Law and Next of Kin.

Advertised for in the London Gazettes and elsewhere.

LANIGAN, STEPHEN. Anne or Maria Frances Lanigan, daughters of the above (who was a Surgeon in the Royal Navy and afterwards of Brighton) or their representatives to apply to M. Pichard, Notaire, 3, Place Hoche, Versailles, France.

STEVENSON *v.* WHITMORE AND OTHERS. Next of kin to Richard Henry Weston, formerly of Gun Wharf, Wapping, and of Birmingham, a partner in the firm of A. Bettridge & Co., to apply to Ryland and Martineau, Solicitors, Birmingham.

English Funds and Railway Stock.

(Last Official Quotation during the week ending Friday evening.)

	ENGLISH FUNDS.	
	Bank Stock	..
	3-per Cent. Red. Ann..	93⅛
	3 per Cent. Cons. Ann.	..
	New 3 per Cent. Ann..	93¼
	New 2½ per Cent. Ann.	..
	Consols for account ..	93⅜
	Long Ann. (exp. Apr. 5, 1885)	..
	India Debentures, 1858.	96½
	Ditto 1859.	96½
	India Stock	..
	India Loan Scrip.	..
	India 5 per Cent. 1859..	..
	India Bonds (£1000) ..	..
	Do. (under £1000).....	7 dis.
	Exch. Bills (£1000)...	2 pm.
	Ditto (£500)....	2 pm.
	Ditto (Small) ..	2 pm.
	RAILWAY STOCK.	
Shrs.		
Stock	Birk. Lan. & Ch. Junc.	76
Stock	Bristol and Exeter....	106
Stock	Caledonian	93¼
20	Cornwall	7
Stock	East Anglian	16⅛
Stock	Eastern Counties	55
Stock	Eastern Union A. Stock	38
	Ditto B. Stock	27
Stock	East Lancashire	..
Stock	Edinburgh & Glasgow.	78½
Stock	Edin. Perth, & Dundee	30½
Stock	Glasgow and South-Western	105
Stock	Great Northern	114½
Stock	Ditto A. Stock	114⅜
Stock	Ditto B. Stock	132
Stock	Gt. Southn. & Westn. (Ireland)	114
Stock	Great Western	69½
Stock	Lancaster and Carlisle.	..
	Ditto Thirds..	..
	Ditto New Thirds..	..
Stock	Lancash. & Yorkshire	105½

	RAILWAYS—*Continued.*	
Shrs.		
Stock	London and Blackwall.	71
Stock	Lon. Brighton & S. Coast	115½
25	Lon. Chatham & Dover	12
Stock	London and N.-Wstrn..	102¼
	Ditto Eighths	¼ pm.
Stock	London & S.-Westrn.	94
Stock	Man. Sheff. & Lincoln..	41⅛
Stock	Midland	118⅛
Stock	Ditto Birm. & Derby	97
Stock	Norfolk.....	55
Stock	North British	63½
Stock	North-Eastn. (Brwck.)	96⅜
Stock	Ditto Leeds	52¼
Stock	Ditto York	81½
Stock	North London.....	106
Stock	Oxford, Worcester, & Wolverhampton ..	45
20	Portsmouth.....	16
Stock	Scottish Central....	116
Stock	Scot. N. E. Aberdeen Stock	33½
Stock	Do. Scotsh. Mid. Stk.	89
Stock	Shropshire Union	51
Stock	South Devon	45
Stock	South-Eastern	86
Stock	South Wales	69
Stock	S. Yorkshire & R. Dun	81
25	Stockton & Darlington	39½
Stock	Vale of Neath	58
	Lines at fixed Rentals.	
Stock	Buckinghamshire	98
Stock	Chester and Holyhead.	52
Stock	Ditto 5½ per Cent...	126
Stock	Ditto 5 per Cent ..	113
Stock	East Lincoln, guar. 6 per Cent	140
50	Hull and Selby	113
Stock	London and Greenwich	65
Stock	Ditto Preference..	120
Stock	Lon., Tilbury, Sthend ..	95½
Stock	Shrewsbury & Herefd.	106
Stock	Wilts and Somerset ..	96

London Gazettes.

Professional Partnership Dissolved.

TUESDAY, *June* 19, 1860.

HUDSON, WILLIAM HECTOR, & JOHN DARLINGTON, Attorneys & Solicitors, Bradford, by effluxion of time. June 16.

Winding-up of Joint Stock Company.

FRIDAY, *June* 22, 1860.

UNLIMITED IN CHANCERY.

HERALD LIFE ASSURANCE SOCIETY. Petition to wind up presented on June 11, will be read before the Master of the Rolls, on June 30, instead of June 23. Deane, Chubb, & Saunders, Solicitors, 14, South-square, Gray's-inn.

ROYAL BANK OF AUSTRALIA Master Richards ordered on June 5, a call of £13,593 9s. 1d., on Sir James Walker Drummond, Baronet, as administrator in England of Sir Francis Walker Drummond, Baronet, deceased, and Dame Margaret Forbes Walker Drummond, relict of Sir Francis Walker Drummond, Baronet, deceased, and William Douglas Dick, as the accepting testamentary trustees and executors under the trust disposition and settlement, of the said deceased Sir Francis Walker Drummond, Baronet, to be paid on June 28, at 12. to W. C. Wrighte, 4, Sambrook-court, Basinghall-street, London, Official Manager of this Company.

LIMITED IN BANKRUPTCY.

AUSTRALASIAN LAND AND EMIGRATION COMPANY, (LIMITED).—Petition to wind-up, presented on June 19, will be heard before Mr. Commissioner Goulburn, Basinghall-street, June 11, at 1. Flux & Argles, Solicitors, 68, Cheapside, London.

PLUMSTEAD, WOOLWICH, & CHARLTON CONSUMERS' PURE WATER COMPANY (LIMITED). Order to wind-up, June 15.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, *June* 19, 1860.

BYLES, JAMES, Esq., formerly of Lavington House, Petworth, Sussex, afterwards of Cambridge, and late of Jaffna, in the Island of Ceylon (who died on or about April 11, 1849). Freshfields & Newman, Solicitors, 5, Bank-buildings, London, E.C. Sept. 14.

GRAINGER, JAMES, Clothes & General Dealer, Bolton-place, Bradford, Yorkshire, and Manchester-road, Horton, Bradford, Yorkshire (who died on May 2, 1860). Hutchinson, Solicitor, Albion-court Chambers, Bradford, Yorkshire. July 12.

HOLMES, JOHN, Gent., 1, West Park, Cotham, Westbury-upon-Trym, Bristol (who died on or about May 23, 1860). Brittan & Son, Solicitors, Small-street, Bristol. Aug. 14.

JENNER, ROBERT FRANCIS, Esq., Wenvoe Castle, Glamorganshire (who died on or about April 8, 1860). Burne, Solicitor, 1, Carey-street, Lincoln's-inn, London. Aug. 20.

LESTER, MARY, Widow, 58, Millbank-street, Westminster (who died on Feb. 14, 1860). Hawkins, Bloxam, & Hawkins, Solicitors, 2, New Boswell-court, near Lincoln's-inn, Middlesex. Sept. 29.

SOAME, SIR PETER SOAME JOHN EVERARD BUCKWORTH HERNE, Bart., Heydon, Essex (who died on Feb. 26, 1860). Salwey, Solicitors, Guildhall, Ludlow, Salop. Aug. 1.

SOESMAN, MARY, Widow, formerly of Wharton-street, Bagnigge Wells-road, and late of 13, Shepperton-street, New North-road, Islington, Middlesex (who died on Dec. 20, 1859). Mills, Solicitor, 3a, Brunswick-street, City-road, Middlesex. Sept. 19.

TATTERSALL, GEORGE BULKELEY, 13, Shaftesbury-crescent, Pimlico, Middlesex, and late a Major in the Ceylon Rifle Regiment (who died on Feb. 21, 1860). Trevenen, Solicitor, 8, Danes-inn, Strand, London. Aug. 31.

TURNBULL, WILLIAM, Merchant, Stockton-on-Tees, Durham (who died on or about Aug. 1, 1858). Newby, Richmond, & Watson, Solicitors, Stockton-on-Tees. Aug. 31.

WHAITS, ROBERT, Farmer, Clifton, Bristol (who died on or about April 6, 1860). Brittain & Son, Solicitors, Small-street, Bristol. Aug. 14.

FRIDAY, *June* 22, 1860.

BAINS, JOHN, Farmer, Brearton, Knaresborough, Yorkshire (who died on Jan. 10, 1860). Hirst & Capes, Solicitors, Soho. Aug. 31.

BEALE, JAMES, Draper, Luton, Bedfordshire (who died on or about Mar. 8, 1860). Parker & Lee, Solicitors, 18, St. Paul's Church-yard, London. July 31.

BIRCH, Mrs. JANE, Widow, St. James's-square, Bath (who died on Mar. 27, 1860). Walters, Young, & Walters, Solicitors, 9, New-square, Lincoln's-inn, Middlesex. Aug. 4.

CATTON, CHARLES, Licensed Victualler, Black Horse Tavern, Leman-street, Goodman's-fields, Whitechapel, Middlesex (who died on or about Oct, 15, 1853). Lofty, Potter, & Son, Solicitors, 36, King-street, Cheapside, London. Aug. 2.

GENTILE, JAMES, Merchant, 44, Osborne-terrace, Clapham-road, Surrey, and who traded at 43, Watling-street, London, under the style or firm of Debain & Co. (who died on May 13, 1860). Lawrance, Plews, & Boyer, Solicitors, 14, Old Jewry-chambers, London. Aug. 1.

SHARPE, AMELIA, Widow, Norfolk-street, Sheffield (who died on April 15, 1860). Hodgson, Solicitor, 10, Salisbury-street, Strand, London. Sept. 22.

STONE, WILLIAM, Brewer's Clerk, Leatherhead, Surrey (who died on Jan. 30, 1860). Helsham, Solicitor, 29, Poultry, London. Aug. 1.

WACE, ALEXANDER FREDERIC, Esq., Wine, Spirit, Liqueur, & Beer Merchant, Havengreen, Ealing, Middlesex, and 64, Westbourne-grove, Edgware-road, Middlesex (who died on April 13, 1860). Young, Solicitor, 10, Warwick-square, Warwick-lane, Newgate-street, London. Oct. 8.

WILCOX, JAMES MORRIS, Upholsterer & Carver, Warwick (who died on Nov. 6, 1859). Hill, Solicitor, Paulton, near Bristol. August 23.

WRIGHT, ELIZABETH, Widow, Kilverstone, Norfolk (who died on or about Feb. 21, 1859). Sharpe, Jackson, & Parker, Solicitors, 41, Bedford-row, Middlesex. August 22.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, *June* 19, 1860.

BURN, MARY, Widow, Epsom, Surrey (who died in or about Oct., 1859). Burn *v.* Maitland, V. C. Stuart. July 6.

DILLON, SIR WILLIAM HENRY, Knight, an Admiral in Her Majesty's Navy, Burton-crescent, Marylebone, Middlesex (who died in or about Sept., 1857). Curzon *v.* McCreight, M. R. July 18.

GREENE, ANNE, Widow, Belfield House, Hook, near Kingston, Surrey (who died in Aug. 1859). Gratton *v.* Pyne, V. C. Kindersley. July 7.

HOLYOAKE, JAMES, Gent., formerly of Redditch, Worcestershire, but late of Leamington Priors, Warwickshire (who died in or about March, 1859). Edmunds *v.* Fessey, M. R. July 10.

MILLS, GEORGE, Engineer, and for some time Superintendent Engineer of the Royal West India Mail Steam Packet Company, Southampton (who died in or about Jan., 1859). Reynolds *v.* Maria Mills and Another, V. C. Kindersley. July 7.

FRIDAY, *June* 22, 1860.

BICKNELL, CHRISTOPHER, Solicitor, The Terrace, Kilburn, and 79, Connaught-terrace, Edgware-road, Middlesex (who died in or about May, 1855). Bicknell *v.* Thomas & Others, V. C. Stuart. July 16.

BICKNELL, RUTH, Widow, 5, St. Alban's-road, Kentish Town, Middlesex (who died in or about Oct. 1859). Bicknell *v.* Thomas & Others, V. C. Stuart. July 16.

BRADBROOK, JAMES, Grocer, Buckingham-street, Caledonian-road, Islington, Middlesex (who died in or about August, 1858). Croft *v.* Bradbrook, V. C. Stuart. July 7.

EVANS, OWEN, Farmer & Tanner, Rhydyfelin, Llanbadarnlaur, Cardigan (who died on or about Sep. 21, 1839). Pugh *v.* Evans, V. C. Stuart. July 17.

HAMPTON, PHILLIS, Spinster, Dudley, Worcestershire (who died in or about Jan., 1853). Ames & Others *v.* Shaw & Another, M. R. July 18.

PEARSON, PHILLIP, Gent., Claremont-terrace, Wandsworth-road, Surrey (who died in or about August, 1859). Pearson *v.* Tucker, M. R. July 16.

TINKLIN, JOHN, Licensed Retailer of Beer, Congresbury, Somersetshire (who died in or about December, 1858). Tinklin *v.* Wakefield & Others, V. C. Stuart. July 23.

Assignments for Benefit of Creditors.

TUESDAY, *June* 19, 1860.

BASSETT, WILLIAM STEPHEN CHARLES WHITE, Grocer & Tea Dealer, Sheerness, Kent. May 31. *Trustees*, W. J. Kitt, Tailor & Draper, Sheerness; J. H. Burley, Inn Keeper, Sheerness. *Sols.* Clarke & Morice, 29, Coleman-street, London.

BISSHOPP, ROBERT, Innkeeper, Billinghurst, Sussex. June 2. *Trustee*, W. Sprinks, Miller, Billinghurst, Sussex. *Sol.* Sadler, Horsham, Sussex.

BROWN, DAVID, JOHN BUTTERWORTH, & JOHN WALSH, Scribblers and Woollen Manufacturers, Leeds, Yorkshire. June 2. *Trustees*, J. Yates, Cardmaker, Cleckheaton, Yorkshire; W. Mitchell, Cotton Warp Agent, Basinghall-street, Leeds; W. Whitehead, Book-keeper, Albion-street, Leeds. *Sol.* Thackrah, Saddle Hotel-yard, Briggate, Leeds.

EDGAR, THOMAS, Draper, Newcastle-upon-Tyne. May 29. *Trustees*, T. Hunter, Merchant, Manchester; J. Wood, Woollen Manufacturer, Wellhouse, Huddersfield. *Sol.* Sykes, Huddersfield.

HARRISON, STEPHENSON, Ironmonger, 242, Oldham-road, Manchester. May 22. *Trustee*, T. Smith, Ironmonger, New Bailey-street, Salford. *Sol.* Jones, 71, Princess-street, Manchester.

HUDSON, HENRY HERBERT, Grocer, Sheffield. June 12. *Trustees*, J. Mason, Tea Merchant, Kingston-upon-Hull; G. Saville, Grocer, Sheffield. *Sol.* Bell, 17, Parliament-street, Kingston-upon-Hull.

MINTY, JOSEPH, Tailor, Bilson Woodside, East Dean, Gloucestershire. June 1. *Trustee*, J. Sutton, Woollen Draper, Stroud, Gloucestershire. *Sol.* Smith, Newnham, Gloucestershire.

RAYNEY, PHILIP, Builder, Woolstone, Southampton. May 23. *Trustees*, C. Chambers, Engineer, Archer-street, Notting-hill, Middlesex; P. Felthouse, Builder, Portobello-lane, Notting-hill, Middlesex; W. Hinton, Plumber, 24, Lisle-street, Leicester-square, Middlesex. *Sol.* Woodroffe, 1, New Square, Lincoln's-inn, Middlesex

WALTON, WILLIAM MERRILL, Draper, Holmes Chapel, otherwise Church Hulme, Chester. June 13. *Trustees*, J. Summerfield, Gent., Wesley Cottage, Sandbach, Chester; J. Massey, Draper, Sandbach, Chester. *Sol.* Remer, Sandbach.

FRIDAY, *June* 22, 1860.

ALLEN, JOHN, Yeoman, Chartham, Kent. June 16. *Trustees*, G. Parkin, Grazier, Wye, Kent; and E. Shrubsall, Grocer, Chartham, Kent. *Sols.* Furley & Callaway, Canterbury.

BARNES, THOMAS, Nursery Gardener & Seedsman, Thirsk, York. June 7. *Trustees*, H. Clarke, Seedsman, 39, King-street, Covent-garden, Middlesex; R. Carter, (Agent to Messrs. Backhouse & Co., Bankers, Darlington, Durham), Thirsk, York; and J. Slater, Nurseryman, Malton, York. *Sols.* Swarbreck & Sons, Thirsk.

FANAR, SAMUEL, Stone Mason, Inkerman-terrace, near Whitehaven, Cumberland; and JAMES SMITH, Accountant, Tivoli, near Whitehaven, Cumberland, Stone Masons & Quarrymen (Samuel Fanar & Co.). June 19. *Trustees*, J. Dees, Gent., Corkickle, near Whitehaven, Cumberland: and J. Postlethwaite, Grain Merchant, Whitehaven. *Sol.* Hodgkin, Whitehaven.

FISHER, JOHN, Steel Manufacturer, Sheffield. June 18. *Trustees*, George Wharton, Steel Manufacturer, Sheffield; and G. Armitage, Oil Merchant, Sheffield. *Sol.* Unwin, 42, Queen-street, Sheffield.

GILBERT, WILLIAM, Paperhanger & Upholsterer, Rugby, Warwick. May 26. *Trustee*, W. Mason, Auctioneer, Rugby, Warwick. *Sols.* Wratislaw & Fuller, Rugby.

TOPHAM, RICHARD, Grocer & Draper, Kilham, York. June 15. *Trustees*, R. C. E. Lance, Grocer & Provision Dealer, Great Driffield, York; and J. Elgey, Chemist & Druggist, Great Driffield, York. *Sol.* Allen, Great Driffield.

WIDNELL, JOHN BAYLESS, Mantle Manufacturer, 162, Regent-street, Middlesex. May 24. *Trustees*, J. Hiley, Silk Merchant, Watling-street, London; and S. Morris, Furrier & Leather Seller, 67, Cannon-street West, St. Paul's. *Sol.* Randell, 17, Gracechurch-street, London.

WILLIAMS, MARY ANN, Wine & Spirit Merchant, & Farmer, Brecon. June 7. *Trustees*, E. Jones (Managing Clerk to Messrs. Snead & Morgan, Bankers, Brecon), Struet, Brecon; and G. Garrard, Wholesale Wine & Spirit Merchant. *Sol.* Games, Brecon.

Bankrupts.

TUESDAY, *June* 19, 1860.

BAMFORD, JOHN, Grocer, Stainland, Halifax. *Com.* Ayrton: July 9, and Aug. 6, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Ingram & Baines, Halifax; or Bond & Barwick, Leeds. *Pet.* June 18.

BOUGHEN, HUGH, Chemist & Druggist, Norwich. *Com.* Goulburn: June 27, at 1.30; and July 30, at 2; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Redpath, 27, Walbrook, London. *Pet.* June 6.

BRETT, JOHN GOODALL, Grocer & Draper, Hornchurch, Essex. *Com.* Fane: June 28, at 11; and June 27, at 11.30; Basinghall-street. *Off. Ass.* Cannan. *Sols.* Lawrance, Plews, & Boyer, 14, Old Jewry-chambers, Old Jewry. *Pet.* June 16.

CHALKLEY, WILLIAM SEABROOK, Ship Owner, Coal Owner, & Coal Merchant, Liverpool. *Com.* Perry: June 27 and July 20, at 1; Liverpool. *Off. Ass.* Cazenove. *Sol.* Rymer, Peel-building, 5, Harrington-street, Liverpool. *Pet.* June, 9.

FEYER, DANIEL, Machinist, 37, Great George-street, Bermondsey, Surrey, formerly Umbrella and Parasol Manufacturer, 16 Crooked-lane, King William-street, London. *Com.* Fane: June 29, at 2; and July 27, at 1.30; Basinghall-street. *Off. Ass.* Whitmore. *Sol.* Spencer, Coleman-street-buildings, Coleman-street, City. *Pet.* June 11.

GIBSON, JAMES, Manufacturer, Todmorden, Yorkshire. *Com.* Ayrton: July 2 and 30, at 11; Leeds. *Off. Ass.* Hope. *Sol.* Pankhurst, Manchester. *Pet.* June 8.

HEALD, JOHN, & JOHN HEALD, jun., Shoemakers, Tea Dealers, Grocers, & Farmers, Eckington, Derbyshire. *Com.* West: June 30 and July 28, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Chambers & Waterhouse, Sheffield. *Pet.* June 16.

HUGHES, JOHN, Licensed Victualler, Liverpool. *Com.* Perry: June 29 and July 20, at 11; Liverpool. *Off. Ass.* Bird. *Sol.* Hill, Liverpool. *Pet.* June 18.

MADSON, HENRY, Butcher, Ecclesfield, Yorkshire. *Com.* West: June 30 and July 28, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Chambers & Waterhouse, Sheffield. *Pet.* June 13.

MAIDLOW, CHARLES, Builder, 8, Alma-square, Hill-road, St. John's-wood, & Beer Retailer, late of the Ponsford Arms, Hill-road, St. John's-wood. *Com.* Holroyd: July 2 and 31, at 1; Basinghall-street. *Off. Ass.* Edwards. *Sols.* J. & J. H. Linklater & Hackwood, 7, Walbrook, London. *Pet.* June 14.

PAGET, JOHN, Licensed Victualler, Brierley-hill, Staffordshire. *Com.* Sanders: June 29 and July 20, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* James & Knight, Birmingham; Warmington, Dudley; Bolton & Sanders, Dudley. *Pet.* June 6.

SHARPE, WILLIAM GRANVILLE, Timber Merchant & Boat Builder, Chatsworth-street, Edge-hill, Liverpool, late of Northwich. *Com.* Perry: June 28 and July 24, at 11, Liverpool. *Off. Ass.* Bird. *Sols.* Evans, Son, & Sandys, Liverpool. *Pet.* June 16.

STACEY, MARSHALL JOHN, Dealer in Tea and Tobacco, Leeds. *Com*, West: June 29 and July 27, at 11: Leeds. *Off. Ass.* Young. *Sol.* Simpson, Leeds. *Pet.* June 7.

WENTWORTH, ARTHUR, & THOMAS WENTWORTH, Hide & Skin Salesmen, & Dealers in Hides & Skins, Skin-market, Bermondsey, Surrey (A. & T. Wentworth). *Com.* Holroyd: July 3, at 2; and Aug. 7, at 12; Basinghall-street. *Off. Ass.* Edwards. *Sol.* Buchanan, 13, Basinghall-street, London. *Pet.* June 18.

FRIDAY, *June* 22, 1860.

BLACKBURN, JAMES BERRY Currier & Leather Seller, St. Stephen's Plain, Norwich. Adjourned into the Public Court. *Com.* Holroyd, July 4, at 2.30, and Augst 7, at 1; Basinghall-street. *Off. Ass.* Edwards. *Sols.* Sadd, Norwich, or Richardson, 15, Old Jewry-chambers, London. *Pet.* May 15.

CHILTON, JAMES, Shoe Manufacturer & Beerhouse Keeper, Stone, Staffordshire. *Com.* Sanders: July 5 & 27, at 11; Basinghall-street. *Off. Ass.* Whitmore. *Sols.* Maud, Leeds, or James & Knight, Birmingham. *Pet.* June 8.

CURTIS, GEORGE, Licensed Victualler & Cattle Dealer, New Inn, Landport, Hants. *Com.* Holroyd: July 4, at 12.30, & August 7, at 2.30; Basinghall-street. *Off. Ass.* Lee. *Sol.* Jones, 5, New-inn, Strand, London. *Pet.* June 21.

FAULKNER, JOHN, Cab Proprietor & Horse Dealer, 61, Commercial-road, Surrey. *Com.* Evans: July 5, at 11, & August 2, at 1; Basinghall-street. *Off. Ass.* Bell. *Sol.* Watson, 18, Cannon-street. *Pet.* June 20.

HARRISON, THOMAS, Tailor & Draper, Henley-upon-Thames. *Com.* Holroyd: July 4, at 1.30; and Aug. 7, at 2; Basinghall-street. *Off. Ass.* Edwards. *Sols.* Berkeley, 52, Lincoln's-inn-fields, London, or S. & J. Cooper, Henley-on-Thames. *Pet.* June 20.

HILLIARD, WILLIAM, otherwise WILLIAM HILLIARD BEVIS, Maltster, Burghclere, Southampton. *Com.* Evans: July 5, at 2; and Aug. 9, at 12; Basinghall-street. *Off. Ass.* Bell. *Sols.* Rickards & Walker, 29, Lincoln's-inn-fields, agents for Cave, Newbury. *Pet.* June 20.

HOLLAND, JOSEPH, & SAMUEL HENRY HOLLAND, Printers & Paper Dealers, Birmingham, (Joseph Holland & Son). *Com.* Sanders: July 2 & 30, at 11; Birmingham. *Off. Ass.* Kinnear. *Sol.* Hawkes, Birmingham. *Pet.* June 16.

HOPKINS, EDWARD JAMES, Draper & Grocer, Fishponds, Gloucestershire. *Com.* Hill: July 2 & 30, at 11; Bristol. *Off. Ass.* Acraman. *Sol.* Henderson, Bristol. *Pet.* June 19.

MORGAN, JOHN, Clay & Mineral Merchant, Manchester. *Com.* Jemmett; July 3 & 4, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Vickers & Diggles, Manchester. *Pet.* June 16.

NOAK, WALTER, JOHN NOAK, & JOHN BISSELL CLARK, Salt Manufacturers, Droitwich (W. & J. Noak). *Com.* Sanders: July 5, and Aug. 3, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Wright, Birmingham; Pugh, Worcester; and Duignan & Ebsworth, Walsall. *Pet.* June 8.

REVITT, WILLIAM, Razor & Cutlery Manufacturer, Sheffield. *Com.* West: July 7 & 28, at 10; Sheffield. *Off. Ass.* Brewin. *Sol.* Fernell, Sheffield. *Pet.* June 18.

TOMBS, JOHN, Builder, 11, Church-street, Westminster, Middlesex. *Com.* Fane: July 5, at 11, Aug. 3, at 1; Basinghall-street. *Off. Ass.* Whitmore. *Sol.* Burgon, 23, Martin's-lane, Cannon-street. *Pet.* June 21.

YOUNG, JAMES, Draper, Highbridge, Somerset. *Com.* Hill: July 3 & 30, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Wood, Bristol; or, Bevan. Girling, & Press, Bristol. *Pet.* June 5.

BANKRUPTCY ANNULLED.

TUESDAY, *June* 19, 1860.

NOAK, WALTER, JOHN NOAK, & JOHN BISSELL CLARK, Salt Manufacturers, Droitwich, Worcestershire (W. & J. Noak), so far as respect the said Walter Noak & John Noak. June 18.

FRIDAY, *June* 22, 1860.

BEDFORD, WILLIAM, Baker, 6, Middlesex-street, Whitechapel, Middlesex. June 18.

HASLAM, WILLIAM, Coach Proprietor, Manchester. June 18.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *June* 19, 1860.

ARMITAGE, GEORGE, Iron Merchant & Commission Agent, 28, Clement's-lane, London. July 11, at 11; Basinghall-street.—BAGSHAW, JOHN, Lodging-house Keeper, Dovercourt, near Harwich, Essex, and formerly M.P. for Harwich. July 11, at 12.30; Basinghall-street.—ECCLES, JOSEPH, EDWARD ECCLES, & ALEXANDER ECCLES, Cotton Brokers, Liverpool (Joseph Eccles & Co.) July 10, at 11; Liverpool; same time joint estate of Edward and Alexander Eccles.—GRAVES, JOHN WILLIAM, Chemist & Druggist, Birkenhead. July 13, at 11; Liverpool.—HAMMOND, WILLIAM PARKER, Shipowner & East India Agent, Scott's-yard, Bush-lane, London. July 11, at 12; Basinghall-street.—HARDEN, CHARLES HENRY, Wholesale Cheesemonger, Goulstone-street, High-street, Whitechapel, and also of Carlton-hill-villas, Camden-road, Holloway, Middlesex. July 11, at 11.30; Basinghall-street.—MARSHALL, THOMAS JOHN, Engineer, Millwright, & Wire Cloth Manufacturer, 804, Bishopsgate-street Without, London. July 11, at 1.30; Basinghall-street.—PARKER, GEORGE HYDE, Grocer & Tea Dealer, 185, High-street, Southwark. July 11, at 12.30; Basinghall-street.—RILEY, THOMAS TOMKINSON, Wine & Spirit Merchant, Wolverhampton. July 13, at 11: Birmingham.—RILEY, WILLIAM, & WILLIAM TOMKINSON RILEY, Iron Masters, Coal Masters, Fire Brick Makers, & Provision Dealers, Millfield Works and Regent Works, Bilston; Highfield Works, Sedgley; and Bentley Works, Walsall. July 12, at 11; Birmingham.—WILKINS, HENRY ROBERT, Draper, Westbromwich, Staffordshire. July 13, at 11; Birmingham.—WILLIAMS, JOHN REYNOLDS, Ironmonger, Sandbach, Chester. July 13, at 11; Liverpool.

FRIDAY, *June* 22, 1860.

ALLEN, VINCENT, Draper, Newport, Monmouthshire. July 19, at 11; Bristol.—BOUCHER, JOHN, Dealer in Timber, Blackwell, Derbyshire, July 14, at 10; Sheffield.—BULLER, JOHN EDWARD, Scrivener & Attorney-at-Law, Coal Owner & Brickmaker, Enfield, and 56, Lincoln's-inn-fields, Middlesex. July 4, at 11; Basinghall-street.—DRAKE, GEORGE, Jeweller, Dealer in Watches & Clocks, 17, Eversholt-street, Camden Town, Middlesex. July 3, at 12.30; Basinghall-street.—

ECCLES, JOSEPH, EDWARD ECCLES, & ALEXANDER ECCLES, Cotton Brokers, Liverpool, (Joseph Eccles, & Co.) July 3, at 11; Liverpool.—GREENHAM, ROBERT, Liverpool. July 13, at 11; Liverpool.—HADWEN, ISAAC JAMES, & JAMES LAMONT MCGREGOR, Merchants, Liverpool, and of Havannah, in the island of Cuba (Hadwen, McGregor, & Co.) July 13, at 12; Liverpool.—HALL, WILLIAM WOLLOX, Currier, Kidderminster, Worcestershire (trading under the name of William Hall). July 16, at 11; Birmingham.—KNIGHT, WILLIAM, Cowkeeper & Dairyman. 13, Portobello-terrace, Kensington-park, and of Princes Dairy, Hereford-road, Bayswater, Middlesex. July 2, at 11.30; Basinghall-street.—MOREHOUSE, JONATHAN, jun., Woollen Cloth Manufacturer & Merchant, Dobroyd Mills, New Mill, Huddersfield. July 13, at 11; Leeds.—MORRIS, THOMAS, Joiner & Builder, Long Eaton, Derbyshire. July 17, at 11; Nottingham.—POTTER, WILLIAM, Grocer & Draper, Ellerburn, North Riding, Yorkshire. July 13, at 11; Leeds.—SAMPSON, THOMAS, Shawl Manufacturer, Ham Mills, Stroud, Gloucestershire, and WILLIAM BARNARD, Shawl Manufacturer & Woollen Cloth Manufacturer, Highlands, Minchinhampton, Stroud (T. Sampson & Co.) July 19, at 11; Bristol; same time, sep. est. of W. Barnard.—SMITH, TILDEN, JAMES HILDER, GEORGE SCRIVENS, & FRANCIS SMITH, Bankers, Hastings, Sussex (Smith, Hilder, Scrivens, & Smith). July 13, at 2.30; Basinghall-street; same time, sep. ests. of F. Smith & J. Hilder.—TERRY, GEORGE, Tinner & Brazier, Leeds. July 13, at 11; Leeds.—TESSEYMAN, JAMES, Timber Merchant, Leeds. July 13, at 11; Leeds.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *June* 19, 1860.

ABRAHAM, BENJAMIN, Jeweller, Fore-street, Taunton, Somersetshire. July 18, at 11; Exeter.—ALLEN, JOHN, Boot & Shoe Manufacturer, 11, Broadway, Deptford, Kent, and 1, Grey Eagle-street, Spitalfields, Middlesex. July 11, at 11; Basinghall-street.—DAVIS, THOMAS, Hotel Keeper, 11, Chapel-street, St. George-the-Martyr, Middlesex, heretofore of Great Malvern, Worcestershire. July 11, at 12.30; Basinghall-street.—FOSTER, ROBERT BLAKE, & JOHN FRASER, Commission Agents & Dealers in General Merchandize, Liverpool (Foster, Fraser, & Co.) July 10, at 12; Liverpool.—HARRIS, WILLIAM, Hay & Cattle Dealer, Stoke Prior, Worcestershire. July 6, at 11; Birmingham.—LANCEY, JOHN, Linen Draper, Barnstaple, Devonshire, July 18, at 11; Exeter.—STEVEN, JAMES, Hatter, Newcastle-upon-Tyne. July 12, at 12; Newcastle-upon-Tyne.—STUBLEY, THOMAS, Licensed Victualler & Coal Merchant, Harbury, near Southam, Warwickshire. July 20, at 11; Birmingham.

FRIDAY, *June* 22, 1860.

BEALE, JOHN SAMUEL, Surgeon & Apothecary, 17, Paddington-green, Paddington, Middlesex. July 14, at 12; Basinghall-street.—BOOTH, GEORGE, Provision Merchant, 21, Holmes-terrace, Kentish-town, Middlesex. July 13, at 12; Basinghall-street.—COOPER, HENRY, Grocer & Tea Dealer, 18, Aldgate, London. July 16, at 12.30; Basinghall-street.—HANSON, ISAAC, Innkeeper, Halifax. July 30, at 11; Leeds.—MILLER, FREDERICK, Lead & Glass Merchant, 11, Poland-street, Oxford-street, Middlesex. July 14, at 12; Basinghall-street.—NOBLE, GEORGE CHARLES, Builder & Beer-house Keeper, Broad-lane, Northampton. July 13, at 12.30; Basinghall-street.—PARNELL, JOHN, Linen Draper, Hosier, & Haberdasher, 211, Oxford-st., Middlesex. July 14, at 1; Basinghall-st.—SAMPSON, THOMAS, Shawl Manufacturer, Ham Mills, Stroud, Gloucester; and WILLIAM BARNARD, Shawl Manufacturer & Woollen Cloth Manufacturer, Highlands, Minchinhampton and Stroud, Gloucester (Thomas Sampson & Co.). Aug. 20, at 11; Bristol.—SEAGER, WILLIAM, Builder, 3, Phillip's-place, Shooter's-hill-road, Greenwich, Kent. July 13, at 1; Basinghall-street.—TURNER, RICHARD, Cabinet Maker & Upholsterer, Stoke-upon-Trent, Stafford. July 23, at 11; Birmingham.—WEISSE, EMELIE, Milliner & Dress Maker, 72, Piccadilly, Middlesex. July 19, at 2; Basinghall-street.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *June* 19, 1860.

AYERS, JOHN DERRICK, & DAVID M'HAFFIE MELLISS, Merchants, Nottingham (Ayers & Melliss), and of New York, America (Melliss & Ayers). June 19, 2nd class: after 3 months suspension.—CHANDLER, KENELM, Builder, Albert-road South, Norwood. June 15, 2nd class.—COWELL, MATTHEW HENRY, & CHARLES BROCK, Licensed Brewers, Cattle Brewery, St. George's-road, Southwark, Surrey. June 14, 2nd class, to Charles Brock, after a suspension of 12 months from the last examination.—JONES, CHARLES, jun., Coach Builder & Harness Maker, 38, Margaret-street, Cavendish-square, and 21A, Gt. Castle-street, Regent-street, Middlesex. June 8, 2nd class.—M'MANUS, ROGER DIVINE, Apothecary, St. Austel, Cornwall. June 15, 3rd class.—MURRELLS, THOMAS, Stationer, Brighton. June 14, 1st class.—WILLCOCK, WILLIAM UDY, Builder, Lucan-place, Roxton, Middlesex. June 13, 3rd class, after a suspension of 12 months.—WOOLTORTON, CHARLES, Ironmonger, 73 and 74, West Smithfield, London. June 14, 2nd class.

FRIDAY, *June* 22, 1860.

BOOTH, JOSEPH BALMFORTH, Draper, Elland, York. June 18, 3rd class.—MORELAND, JOHN LOUGH, Grocer, Draper, & General Shopkeeper, Lydford and Kelnton. June 18, 2nd class.—OLDROYD, JOSEPH, Blanket Manufacturer, Batley, York. June 18, 2nd class.—STRANGE, HENRY, Plumber, Painter, & Glazier, Paper Hanger, Newent, Gloucester. June 19, 2nd class (after a suspension of four months, with protection).

Scotch Sequestrations.

TUESDAY, *June* 19, 1860.

BANNERMAN & Co., Clothiers & Drapers, 8, Union-street, Edinburgh. June 15, at 12; Dewar's Rooms, 18, Waterloo-street, Edinburgh. *Sec* June 15.

M'TURK, MATTHEW, Contractor, now Check-Grieve, at Auchinleck, Ayrshire. June 25, at 11; Star Hotel, Ayr. *Sec.* June 12.

WARNOCK, ROBERT, Jun., Grocer, & Boot & Shoe Maker, Bonhill, Dumbartonshire. June 27, at 12; Elephant Hotel, High-street, Dumbarton. *Sec.* June 14.

FRIDAY, *June* 22, 1860.

ARNOTT, JOHN, & Co., Warehousemen, Cowcaddens-street, Glasgow, and JOHN ARNOTT, Cowcaddens-street, Glasgow. June 29, at 12; Faculty Hall, St. George's-place, Glasgow. *Sec.* June 18.

CORMACK, DAVID, sometime Merchant in Pulteneytown, Wick, Caithness, now residing at Tolbooth Wynd, Leith. June 26, at 2; Dewar's Rooms, 6, Waterloo-place, Edinburgh. *Sec.* June 19.

MILNE, ALEXANDER, Baker, Hilton, Dundee. July 2, at 11; Lamb's Hotel, Reform-street, Dundee. *Sec.* June 19.

We cannot notice any communication unless accompanied by the name and address of the writer.

*** *Any error or delay occurring in the transmission of this Journal should be immediately communicated to the Publisher.*

THE SOLICITORS' JOURNAL.

LONDON, JUNE 30, 1860.

CURRENT TOPICS.

The annual meeting of the Law Amendment Society will be held to-day, at three o'clock, at the society's rooms, 3 Waterloo-place, Pall-mall. Lord Brougham will preside, and will, no doubt, take occasion to say something upon the prospects of the numerous measures for amendment of the law now pending in Parliament. The past session has not, perhaps, been one of the most active or exciting of the society's existence; but the Law Amendment Society has of late accomplished no little good, in connection with the Mercantile Law Committee of the National Association, by the frequent discussion of the Government Bankruptcy Bill, the present fate of which, however doubtful it may be, must before long, and very much in its present shape, become the law of the land. Some valuable papers and reports on various subjects, moreover, have been prepared and read before the society during the present year. Of the former we may mention the paper of Mr. J. Napier Higgins, on "The Establishment of a Law University;" and of Dr. Angus Smith, on "Scientific Evidence in Courts of Law." The last topic was the subject also of a very able and conclusive report by a committee of the society. The society, further, has turned its attention to the present state of the law respecting the confinement of persons alleged to be lunatics, and has just published a report upon the subject.

The business of the annual meeting will be to receive a report from the council, and to elect a president and other officers. Lord Brougham, the founder and great upholder of the society—to whom, moreover, it owes almost all the favour with which its transactions are viewed in Parliament, and by the public generally—is regarded, of course, as president of the society during his life, or so long as he is disposed to give to its operations the sanction and authority of his name. The annual election of president, therefore, is merely a matter of form.

There is one subject on which we wish to offer a suggestion to the council; and we think that it would be for the benefit of the society if it could be carried into effect. The society's rooms at Waterloo-place—as many of our readers are aware—are not only extremely convenient on account of their situation, as regards the general body of both branches of the profession resident in London, but are at present stocked with a large and valuable library. They are throughout the greater part of the year accessible until a late hour in the evening, and have the further advantage of the services of several officers and attendants. We believe, however, it is notorious that all these great advantages are made little use of, except on the comparatively rare occasions of general meetings of the society. Now, it certainly appears desirable, both for the sake of the society and of the legal profession, that the rooms, library, and officers, of the society, should be made more generally available than they are at present. There is always resident in London a very numerous body of students for the bar and of articled clerks, who, although they might as a general rule consider it premature to affect the character of law reformers, while they were in process of acquainting themselves with what the law is, would nevertheless be very glad to have access in the evenings to so good a reading-room, and so well furnished a library as are to be found in Waterloo-place. Why should there not, therefore, be a class of *associate* members intended to comprise such persons, and also those legal practitioners who do not care to be ordinary members of the society? There is little reason to doubt that if some suitable plan for carrying out this suggestion were adopted, it would indirectly, but extensively, increase the resources, and also the utility, of the society.

The annual dinner of the society will take place next Saturday (July 7), at the Thatched-house Tavern, St. James'-street, at half-past six o'clock. Members who are desirous of attending, or of introducing their friends, are requested to send in their names to the secretary.

Mr. William Ford, of the firm of Messrs. Rogerson & Ford, has published a pamphlet containing some very striking and judicious remarks on the 514th section of the Attorney-General's Bankruptcy and Insolvency Bill. The effect of the clause, should it become law, will be to restrict the practice of solicitors as advocates, to "matters administered in chambers." Mr. Ford argues with great force that the effect of thus depriving solicitors of their immemorial right of conducting bankruptcy cases in open court would be not only to lower the professional *status* of solicitors, but seriously to prejudice the interests of the public. He naturally points with some pride to such men as Mr. Lawrance, Mr. Linklater, Mr. C. E. Lewis and others, as instances of the appreciation by the mercantile public of the special and peculiar aptitude of solicitors for the conduct of cases in bankruptcy. Another argument is drawn from the great increase of expense which must result from the necessary employment of counsel in every case. We hope on some future occasion to devote more space to the consideration of Mr. Ford's timely brochure. It raises, in a neat form, and discusses in a conclusive manner, a question of considerable importance not only to the profession, but to the public.

The next meeting of the Juridical Society will be held on Monday, the 2nd of July, when the question will be discussed—"Whether in Criminal Trials the Parties accused, and their Wives or Husbands, ought to be competent witnesses?" The discussion will be opened by Mr. Charles H. Hopwood. It is expected that Mr. R. P. Collier, Q.C., M.P., will preside.

A POLITICAL LAWYER IN THE UNITED STATES

Although it would be altogether foreign to our office to examine critically the functions of Know-Nothingism and Anti-Nebraskaism, to describe the various aspects of the Lecompton controversy, or to discuss any one department of the domestic politics of the United States, we are led to draw attention to the career of a legal celebrity who has now for several years occupied a prominent position in the public life of America. The success of Stephen A. Douglas, who is endeavouring through the support of the Democrats to mount to the Presidency of the United States, is especially worthy of observation; for, brilliant and complete though it is, it can scarcely be regarded as exceptional in a country where the highest legislative honours lie open to the enterprise of the humblest, and where the most important officers of the State are as often as not men who were born in obscure poverty, and educated in the schools of sordid adversity. Like General Jackson, who was to our trans-Atlantic cousins all and more than the Great Duke was to the people of this country, Stephen A. Douglas raised himself to opulence and power by his own strength of will and intellect, successively figuring in the earlier scenes of his battle of life as a working mechanic, an attorney's clerk, a petty schoolmaster, an attorney, a barrister in leading practice, and a judge.

The rapidity which marked this ascent in the social scale, and the steps by which it was effected, are alike opposed to the experience of lawyers in Great Britain, where the various departments of their profession are marked out by strong barriers—success in any one of them being the result of many years of earnest and unremitted exertion.

The son of a poor physician, Stephen A. Douglas was, at the age of two months, left an orphan dependent on the bounty of a maternal uncle for nurture and support in childhood. As a little boy, he attended the district school during the winter seasons, but during the other months of the year he worked steadily on his uncle's farm, by sweat of brow repaying the good man for his hospitality. On reaching the mature age of fifteen years, the lad was informed that he must stir himself to win a permanent position in society. Acting on the hint, he one morning said good-bye to his sister and uncle, and quitting the farm, walked off to Middlebury—a distance of fourteen miles—and ere night had apprenticed himself to a cabinet-maker. For two years he gained subsistence at this vocation, when his health failed and compelled him to relinquish a business which he liked, and in which he had displayed much ingenuity. About this period his sister married, and her husband liberally supplying him with funds, he was enabled to study systematically classic literature and law for the next four years—first at Brandon, Rutland county, Vermont, and afterwards at the academy of Canandaigua, New York. In June, 1833, however, his student course terminated, and he went out once more to seek a livelihood and independence—his stock in trade on this second excursion being a purse containing a few dollars, a few elementary books on law, the information resulting from four years' strenuous application to study, and such experience as twenty years of poverty had brought him. His first halting-place was Cleveland, Ohio, where he acted for a few months as clerk to a practising lawyer; when an attack of bilious fever prostrated him, and brought him to the verge of the grave. Small in stature, slightly built, delicate, and singularly slim, even for an American, he would have died had he remained at Cleveland. By the advice of physicians, who urged him to seek another home, he recommenced his pilgrimage, went to Portsmouth on the Ohio river, and sought unsuccessfully for employment; pushed on down the river to Cincinnati, and there also failed to get work; went on somehow or other to Louisville, Kentucky, and there again looked in vain for bread to stay his hunger with. Louisville having no opening for him, he proceeded to St. Louis, and asked ineffectually for any kind of employment that would keep him from starving. There again he was to taste the bitterness of disappointment. Still onwards, he spent his last remaining coins on a steamboat that conveyed him to Alton, Prairie State, Illinois, and on a stage-coach that carried him to Jacksonville. At Jacksonville he offered his services as clerk, school-teacher, servant; but no one required them. Having sold his school-books and last remaining chattels, and with the proceeds defrayed the costs of living a few days at Jacksonville the poor boy, penniless and dejected, started out once more on foot, and walked to Winchester, the capital of Scott County. At length he had reached the soil in which he was to take root.

As he entered the public square of Winchester, he saw an impatient crowd surrounding an auctioneer, and demanding that a sale of household goods and commercial wares should be proceeded with without further delay. The auctioneer had been unexpectedly deprived of the services of his clerk, and could not sell the goods without the aid of a competent subordinate to mark down the purchasers' names, and make out the accounts. The man stated his difficulty, at the same time offering the liberal salary of two dollars per day to any auditor who would act as his clerk. Young Douglas heard the offer, and immediately expressed his readiness to profit by it. In a trice he was busily employed with the account-books and catalogues. The promptness and skill with which he discharged the duties of the post attracted attention, and in the intervals between the days of sale, he improved the good opinions formed of him by the intelligence, learning, and tact he displayed in certain political discussions in which he defended the reputation of General Jackson. The Jackson men were delighted with the pale-faced young man's arguments in support of "Old Hickory," and at the conclusion of the sale, which lasted three days, they asked him if they could not do anything for him. He responded that he wished to set up a school, and should be happy to instruct their children. The scheme met with approval, and in a few days he had a school of forty pupils at three dollars each per quarter. Binding himself to conduct the school for three months, he commenced his labours as a teacher in December, 1833. On half-holidays he officiated as counsel in the justice's court at Winchester. Barely had three months passed, and left him free to give up his school, when he returned to Jacksonville, and opened an office for the practice of the law—having been licensed an attorney by the judges of the Supreme Court on the 4th March, 1834, when he still lacked seven weeks of his majority. The pushing lawyer of the United States always takes to Stump Oratory, and makes himself known as a political agitator. In 1834, party feeling ran very high in Jacksonville. On the one side was the "Jackson party"—on the other the "opposition" or "Whig" party, at that time dominant in Morgan county. Douglas associated himself with the former, and his office became the centre at which all the Jackson men for miles round met on market days,—his political friends, of course, becoming clients. From being a feeble and unorganised minority, the Jackson men, whipped up by their young friend, gained form and strength. A grand meeting of all the Jackson men or democrats in the county was called to "define their position." Josiah Lamborn, a wealthy lawyer, and leader of the Whigs, presented himself, and endeavoured to crush the presumptuous boy who had rendered himself so conspicuous. But the victory was with David, and the giant fell dead. In reply, Douglas "for an hour or more addressed the meeting in his own peculiar style. The effect was irresistible. Lamborn precipitately left the room; and when Douglas concluded his speech, the excitement of the meeting had reached the highest point of endurance; cheer upon cheer was given with hearty vigour; the crowd swayed to and fro to get near the orator, and at length he was seized by them, and, borne on the shoulders, and upheld by the arms of a dozen of his stalwart admirers, was carried out of the Court-house, and through and around the public square, with the most unbounded manifestations of gratitude and admiration. He was greeted with varied but most expressive complimentary titles, such as 'High-combed cock!' 'You will be President yet!' and 'Little giant!'" From that day Douglas was a made man. He was no longer the teacher, the obscure attorney, or even plain Mr. Douglas—but Stephen A. Douglas, Esquire, leader of the Democrats in Morgan county, Illinois. Early in 1835, he (*ætat* 21) was, by the election of the General Assembly in joint convention, made State-attorney of the most important circuit in Illinois. In 1836 (*ætat* 22) he took his seat in the Legislature of Illinois. In the February of 1841, when not 27 years of age, he was raised to the bench, being made a judge of the Supreme Court of the above-named State. In 1843, he was sent to represent Illinois in Congress, and was re-elected to the House in 1845 and 1846, in which last-mentioned year he was elected to the United States' Senate, to which august body he has been twice re-elected.

On the bench the young judge has gained applause for his "boldness and Jackson-like independence," and his decisions appear on the whole to have given satisfaction. In the States a legal practitioner has need of

other qualifications than a knowledge of the law, a glib utterance, and an impressive manner. A young lawyer, resolved on rising in his profession, goes circuit armed with a revolver and bowie knife, and is ready on an emergency to pistol a brother advocate, or cowhide a contumacious witness. At the trial of Joe Smith, the notable high priest of Mormonism, for some offence against legal enactments as well as public decorum, Judge Douglas (the presiding judge), for the purpose of maintaining the majesty of the law, displayed an amount of demonstrative energy and decision that would not startle us a little if exhibited by the grave magnates of Westminster Hall. The case against Joe Smith, it was clear, was about to break down. The evidence was not sufficient to justify a conviction; and it was manifest that the accused would soon be set at large. The populace, indignant at the thought of the prophet's escape, determined to do by lynch-law what the law of the State was powerless to effect. A gallows was at once constructed and erected in the court-house yard, and a body of four hundred men entered the court-house for the purpose of taking Smith and hanging him. As the mob boisterously crowded to the bench, near which Smith sat, the young judge directed the sheriff to clear the court-room, as the numbers present interrupted the proceedings. The sheriff, a small nervous man, with a weak arm and weaker voice, implored "the gentlemen" to keep order and retire, and then—after the lapse of a minute or two—piteously confessed his inability to do the bidding of the court. Luckily, there was present an enormous Kentuckian, nearer seven than six feet high, and endowed with the strength of Hercules. The little judge fixed his fiery eye on the giant, and said:—"I appoint you sheriff of this court. Select your own deputies, and as many of them as you require. Clear this court-house; the law demands it; the country demands it, and I, as judge of this court, command you to do your duty as a citizen bound to preserve the peace and enforce the laws."

Never did Benicia Boy receive orders more to his taste. A grim smile passed over the Kentuckian's face as he rose, and settled himself to work. He struck out right and left. Each blow sent at least one ruffian to the ground, and each blow was loudly and critically applauded by the judge. A panic seized the mob, and they retreated. In less than twenty minutes the court-house was cleared, and a murder had been prevented. The fact that the judge had no power to appoint the Kentuckian sheriff, as the duly appointed sheriff of the county was present, adds nothing to the humour of the scene; but it aids in illustrating how wide the difference is between circuit life in the United States and circuit life in England.

RESPONSIBILITY OF COUNSEL.

After five months of expectation, the curiosity of the profession has been relieved by the delivery of judgment in the case of *Swinfen* v. *Lord Chelmsford*. Various were the speculations and surmises during the two terms which intervened between the conclusion of the argument of the rule, and the delivering of judgment by the Court. The case had all the elements of interest. The position of the parties, the supposed recondite point of law involved, its intimate bearing upon the status, duties, and privileges of barristers, to say nothing of the more personal element introduced, by the not over discreet zeal of the leading counsel for the plaintiff, all heightened the interest. Moreover, the wide and discursive nature of the arguments, the cloud of authorities, and the dense array of illustrations, advanced upon the argument of the rule, although not having a very obvious affinity with the question under discussion (but which in the extreme paucity of direct cases, or settled principles, were impressed into service on the occasion) had mystified the subject. Further, the observations, interrogations, and *dicta* of the bench being directed to these collateral, or entirely remote points, the case was left devoid of any indication of the opinion of the judges; and there was the widest field for speculation, as to whether the rule would be discharged or made absolute, whether there was unanimity or division, and whether the Court would lay down any and what principle as to the authority of counsel, the nature of his relation to his client, and the consequences of a miscarriage through his act, or of an excess of his authority.

If any were so sanguine, or so unreasonable, as to expect that the Court of Exchequer were about to deliver a homily upon the relation of counsel and client, to define the nature of the duties of the former, and the limits of his responsibility, a perusal of the judgment in this case will not be attended with entire satisfaction. Others who formed a more moderate expectation, and who more reasonably supposed that the learned barons would not decide more than was absolutely necessary for the decision of the case, will find their surmise realised to the letter. And they will also discover that while the learned judges have, in very clear and explicit language, laid down that which for the last hundred years has never been doubted; they have left a more doubtful, and more important question, in very much the same position in which they found it; and—by a careful limitation of their judgment—have not rescued it from the spacious field of moot points.

The question raised in *Swinfen* v. *Lord Chelmsford*, and raised as neatly as questions on applications for new trials usually are, may be stated in these terms—counsel being retained to conduct the case of the devisee upon an issue *devisavit vel non*, directed by the Court of Chancery, entered into a compromise with the other side; by which he agreed to consent to the withdrawal of a juror, that his client should convey the estate in question to the heir-at-law, and the heir-at-law should settle an annuity on the devisee. He had no authority from his client to compromise; but believed that he had authority, and acted therein to the best of his belief for the advantage of the client. The client subsequently incurred expense in opposing an application for an attachment for contempt of a rule of Court founded upon the terms of compromise, which costs were not allowed by the Court, although the attachment was refused; and also incurred costs in proceedings in Chancery to set aside the compromise, which proceedings were successful, and in which the Court awarded costs. Was an action maintainable under these circumstances against the barrister at the suit of his client?

The case was argued at the bar without the distinction upon which the judgment of the Court proceeded being adverted to. On the one hand it was contended broadly that counsel had authority to do whatever, with reference to the matter in which he was employed, he considered was for the interest of his client, and amongst other things to compromise the suit; and that even if he had not such authority, he was not responsible, although damage might ensue, provided he acted from an honest motive. On the other hand, it was argued that whatever protection might shield him while he acted within the scope of his retainer, it extended no further; and if he did an act beyond the limits of his authority, and by that act damage ensued to his client, he was responsible for that damage, in the same way that any unprivileged person is for a wrongful or negligent act productive of damage.

Each of these contentions is sufficiently plausible; and if the ingenuity of the Court had not been rewarded by the discovery of a *tertium quid*, it is probable that the Chief Baron would not have had the pleasure of delivering the unanimous judgment of the Court. The Court affirmed neither proposition; but at the same time it affirmed enough to make the case a valuable authority; perhaps, principally so in its relation to a question far remote from the responsibility of counsel. The Court, then, held this:—That so far as concerned the agreement of the plaintiff's counsel to withdraw a juror, and

the subsequent withdrawal of a juror, that was a step relating to the conduct of the case, and within his authority as counsel, and that even if he had been grossly mistaken in pursuing that course, he would not be answerable for it, if uninfluenced by any corrupt motive.

Then, as to the agreement to convey the estate to the heir-at-law, the Court held that to be beyond his authority; but without laying down one way or the other whether an action would lie if any damage flowed from it, they held that no damage had been shown to have ensued to the client, and that without damage the action was not maintainable. The compromise, they said, was a nullity, and therefore the rights of the plaintiff remained the same, and she was, so far as they were concerned, altogether uninjured. As to the costs in resisting the attempts to enforce the agreement of compromise, they held such costs could not be considered a ground of damage, since the Courts in which the proceedings were taken had jurisdiction to adjudicate, and had adjudicated upon them. Their language was as follows:—"It is a general rule of law, that to subject a person to law proceedings without malice gives no cause of action. The court of equity awarded such costs as the law allows; and we think she cannot in this action recover more; see *Doe* v. *Filliter*, 13 M. & W. 47. and *Cotterell* v. *Jones*, 11 C.B. 713. The Court of Common Pleas thought fit not to give her costs; and we think it must be taken that she was not entitled to them, and cannot claim them in this action; see *Maldin* v. *Tyson*, 11 Q.B. 292, and especially that part of the judgment in page 301."

The Court of Exchequer granted leave to the plaintiff to appeal from their judgment. If the liberty thus granted is acted upon, the discussion in the Court of Exchequer Chamber will probably be directed to topics other than those mainly relied upon in the court below. With regard to the bearing of the judgment upon the question respecting the responsibility of counsel, as we have already observed, it merely affirms a doctrine which no one doubted. There were, indeed, several *dicta* founded upon the remarks of judges, or arguments of counsel collected from the year books, and which had found their way into digests of respectable authority, and were stated there as if they had been solemn decisions, and which apparently laid down the contrary rule that counsel is responsible for not performing his duty. When these cases, however, come to be examined they appear to be founded upon some deceit or fraud; and although the Court treated these as mere *obiter dicta* of no authority, the immediate judgment has very little bearing upon them. It is perhaps better for the interests of the public and of the profession that the limits of the responsibility of counsel should not be too nicely defined. From the nature of his duties he is frequently called upon in emergencies of the most vital importance to his client to pursue upon the moment a particular course; in selecting that course it may be his duty, as was well observed by one of the counsel in *Swinfen* v. *Lord Chelmsford*, to do the worst for his client, and the motives by which he may be actuated in so doing, may be difficult to explain, and the facts upon which such opinion is formed even impossible to prove.

The principle laid down by the Court of Exchequer that so long as barristers act honestly within the scope of their authority, they are irresponsible for any miscarriage or any mistake of judgment, is perhaps sufficiently extensive for the purpose of reasonable protection; and leaves the advocate sufficiently free from the influence of fear, which otherwise might cramp his energies. There might be no great harm even if the protection were to cease with the authority, and if he were to be held responsible for damage ensuing from an act done by him beyond the authority implied in the employment or expressly given by the client. This is the point upon which a difference of opinion appears to exist among the judges. The Chief Baron thinks that the protection is not co-extensive with the authority, but applies wherever counsel act honestly as such, though beyond their authority; but all of their brethren do not concur in that opinion.

Before quitting this subject we desire to refer to a misapprehension which has prevailed since the compromise was set aside. It has been supposed that counsel have no authority to compromise the suit at the trial, unless they have been specially invested with such authority. This is certainly not deducible from the case; and we believe the converse to be true, and is certainly more consistent with it, namely, that counsel have authority to compromise unless instructed to the contrary. This, according to Lord Campbell, C.J., in *Fray* v. *Vowles*, 28 L.J. Q.B. 232, the attorney has a right to do; and it is difficult to see upon what ground the authority of counsel should be less. The vice of the compromise in *Swinfen* v. *Lord Chelmsford* was, that it was entered into against the instructions of the client, and that it comprehended matters collateral to the suit.

JUDICIAL STATISTICS

The "Judicial Statistics" drawn up by Mr. Redgrave for the year 1859, have been laid before Parliament. In another part of this number, we publish a sketch of its contents, and desire here to make a few remarks which its perusal suggests. Upon the whole the return is highly satisfactory, because it shows crime does not increase in the same ratio as population. We regret, however, to see that under the head of wounding with intent to do bodily harm, there has been so steady an increase as to lead us to fear that it will continue. No one whose duty leads him to sessions or assizes can fail to confirm the statistics in this respect. The use of the knife has become so frequent as to make us tremble for the ancient manliness of Englishmen, by whom it was held in abhorrence. As, however, this dreadful propensity shows itself chiefly in seaport towns, we may believe that it is the result of foreign contamination, and hope that the national example and determination may extirpate it.

Allusion is made in the return to the Criminal Justice Act, 1855 (18 & 19 Vict. c. 126), which effected a great constitutional change. Where the value of the stolen property does not exceed five shillings, if the prisoner consents, he may be tried *without a jury* at the petty sessions. It certainly was a new principle in criminal legislation that the crime should be measured by the value of the property. A thief puts his hand into a pocket intending to carry off its contents, whether five shillings or one thousand pounds. However, it was thought that such light matters might be tried with less parade than hitherto; and so the law passed. Criminals largely avail themselves of its provisions, and under the third section plead guilty in numbers, knowing the powers of the magistrates are limited by it to six months' imprisonment. They thus escape those inconvenient inquiries which, if time allowed, would be made about their previous career, and lead perhaps to a proof of previous conviction, subjecting them to penal servitude as a punishment. The readiness with which the magistrates allow this is growing into a great public mischief, the harvest of which will presently be reaped. Let us appeal to experience. In a large seaport town, powers under local acts were given to the magistrates to inflict like punishments with those under the Act in question, for petty larcenies about the docks. These powers were much used for years. It was then found that small terms of imprisonment were worse than useless, they spread contamination without operating in the least as a check. Offenders came up after ten and fifteen previous convictions. Property became daily more unsafe. It was resolved to discontinue the convictions at petty sessions, and the calendar of the quarter sessions rose from an average of forty prisoners to 150, on one occasion to

250, and at the most recent one 150, and this in spite of numerous transportations, and increase in the holding of sessions. This seems to us a case in point; and on the experience contained in it, we are entitled to say the present system is fraught with danger to the community. Whether felonies so tried be ranged under the heads of summary convictions, or of those sent for trial, would make no difference to Mr. Redgrave's return, as all would be included in the comprehensive division of robbery from the person, &c.

We regret to have to say anything which may lessen the public satisfaction at the decrease of crime these tables show; but we fear it is not altogether real, and that many cases of crime go unpunished because of the niggardly allowance made to prosecutors and witnesses. A scale has been drawn up by the Treasury of which this is a sample. An artisan in the north of England, where wages are good, frequently earns his five shillings a day. Should he be so honest as to give information of a robbery, he may be forced to sessions ten miles off; remain there some days, going and returning night and morning if he will by rail, of course forfeiting his wages, and then at last be rewarded with two or three shillings and sixpence per day as his sole compensation. Once a man has been so served, he makes an inward vow never to be officious in the cause of justice again. As to prosecutors, turn conversation to this subject in any place, and we venture to say some one will be present who will narrate his bitter experience of such matters. Besides personal inconvenience and loss of time, which anyone would be content to bear, a considerable additional outlay beyond the scale of allowance is necessary.

Besides this, the remuneration to the police as witnesses is inadequate. We do not argue that it should be excessive, so as to tempt them to invent charges, or encourage crime; but it is one thing to pay a man a guinea a-week, which he may earn by walking the streets and just barely going through his duties; it is another, to reward and stimulate him to the detection of outrages and offences. We have it on good authority (from a chief of a detective force) that this impolitic stinginess has led, and is leading, to the escape of many an offender. Again, the turnkeys and gaolers receive so paltry an amount for their trouble in proving a previous conviction of a criminal, that when inquired of as to the antecedents of such an one, they do not care to remember anything of him; and so the prisoner gets off with light punishment, to return after a short while, as surely as flowing water along its channel. If this wretched economy produces this effect, and that it does we sincerely believe, the consequences will certainly show themselves, but only after a lapse of time. This delay makes the advocates of the system bold. But crime will increase, until at last, with the expansive power of steam, it makes itself at the last heard and felt.

THE LANDS CLAUSES CONSOLIDATION ACT.

The decision of Vice-Chancellor Stuart in *Re Legge's Estate*, which will be found in our reporting columns for this week, adds one more to a long line of conflicting cases, wherein the extent of the liability to costs incurred by railway and other companies who take possession of settled lands under parliamentary powers has been discussed and adjudicated upon. In the present day, when railways are springing up on every side, and numerous companies for this and various other purposes yearly obtain parliamentary authority to exercise the compulsory powers given by the Lands Clauses Consolidation Act, it becomes an object of considerable interest to learn how far landowners, mortgagees, and other persons interested in land, are liable to be put to expense or damage by the exercise of these powers. The Act itself is unquestionably intended, so far as may be consistent with the real or supposed benefit to the community resultant on the due encouragement of such undertakings, to provide that all the expenses occasioned by the acts of the company shall be borne by the company.

The 80th section, on the construction of which nearly all the cases turn, is in the following words. "In all cases of monies deposited in the bank under the provisions of this or the special Act, or an Act incorporated therewith, except where such monies shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release the lands in respect whereof the same shall be payable, or by reason of the wilful neglect of any party to make out a good title to the land required, it shall be lawful for the Court of Chancery in England, or the Court of Exchequer in Ireland, to order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the promoters of the undertaking; (that is to say) the costs of the purchase, or taking of the lands, or which shall have been incurred in consequence thereof, other than such costs as are herein otherwise provided for, and the cost of the investment of such monies in government or real securities, and of the reinvestment thereof in the purchase of other lands, and also the cost of obtaining proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such monies shall be invested, and for the payment out of court of the principal of such monies, or of the securities whereon the same shall be invested, and of all proceedings relating thereto, except such as are occasioned by litigation between adverse claimants. Provided always, that the costs of one application only for re-investment in land shall be allowed, unless it shall appear to the Court of Chancery in England, or the Court of Exchequer in Ireland, that it is for the benefit of the parties interested in the said monies, that the same should be invested in the purchase of lands in different sums and at different times, in which case it shall be lawful for the Court, if it think fit, to order the costs of any such investments to be paid by the promoters of the undertaking."

The questions which practically arise upon this section are, what classes of costs the company are thus made liable to pay, and what persons are entitled to claim such payment; in other words, *what* costs and *whose* costs come under the designation of "costs according to the Act." In the case above-mentioned, the Vice-Chancellor appears to decide, (rather in deference to the authority of former cases than in accordance with his own individual judgment,) first, that the question of *what* costs are payable, is a question for the Taxing Master, and that the Court can only take cognizance of it on exceptions to his certificate; secondly, that where the petition is for re-investment, and the petitioner is the immediate freeholder, no person except the petitioner is entitled to any costs whatever as against the company; thirdly, that the petitioner acts rightly in serving all the persons entitled in remainder down to and including the first tenant in tail, and that if they appear and consent to the petition, they will be entitled to their costs out of the fund.

If these rules should hereafter be recognised as the true practice of the Court in cases of this nature, we fear that the protection intended by the Legislature for those persons whose property is compulsorily taken by public companies will be in a great degree sacrificed.

That object must, we submit, be taken to have been, to require that any persons to whom the Legislature intrusted authority to invade the common law rights of their fellow subjects, should in every case make good to the persons whose rights were thus taken away, all the loss to which they or any of them were thereby exposed; and this loss will obviously include not merely the value of the land taken together with all expenses of making title thereto, and conveyance thereof; but also in the cases of limited owners or persons under disability, all the costs of proceedings in the Court of

Chancery or elsewhere which are rendered necessary in order to replace the parties *quam proxime* in their former condition.

The Legislature could never have designed to confer on a private corporation power to take away the lands of others by a proceeding *in invitum*—a power which was never, even in the days of purveyors and escheators, vested in the Crown for any purposes whatsoever without the supervision of Parliament—without providing at the same time that every sixpence of expense, properly incurred in consequence of such power, however remotely, should be borne by the corporation; subject of course to this limitation, that such expenses should have been necessary for the purpose of reinstating the landowner as nearly as possible in the position in which the company originally found him. As an instance of the application of this rule, both in its extent and its limitation, we may mention the case of *Picard* v. *Mitchell*, (12 Beav. 486), where Lord Langdale, M. R., ordered a railway company that had taken lands which were the subject of an administration suit, to pay all the costs, charges, and expenses of all persons concerned, as well of a petition for reinvestment, as of a reference to the Master in the suit to enquire what course would be the most beneficial for the parties under disability. His lordship said, "Where public companies, either for the public good or their own private profit, come and violently take the property of others, whether they like it or not, they ought to indemnify the persons against all expenses which may be occasioned by such a proceeding;" and then he added, "but if a party proceeds in a wilful and extravagant way to incur costs quite unnecessarily, the Court will not allow them, and will refer it to the Master to enquire whether any and what unnecessary costs have been incurred."

The Court of Chancery, however, has never consistently carried out this principle, seeming rather to hold that the companies, having obtained the sanction of the Legislature for what they were doing, were not to be called upon to pay any costs in consequence, except such as were in the plainest manner imposed upon them by Parliament. And, accordingly, differing in that respect from the Court of Exchequer, it held, on the construction of the clause usually inserted in the Special Acts before the passing of the Act 8 Vict. c. 18, that where the parties interested desired not the reinvestment, but the payment out of Court, of the purchase money of their land, the company could not be ordered to pay the costs of the necessary petition (see *Ex parte Marshall*, 4 Ry. & C. Ca. 58; s. c. 1 Ph. 560; *Ex parte Slaters*, 5 Ry. & C. Ca. 700; *Ex parte Molyneux*, 2 Coll. 273; *Ex parte Thoroton*, 17 L. J. Ch. 167; *Ex parte Cook*, 7 Jur. 639; *In re Robertson*, 23 Beav. 433).

In this case, however, the Legislature has now removed all doubt as to its intention by inserting into this Act (8 Vict. c. 18, s. 80), which was passed to supersede what may be called the common form clauses of the old special Acts, the words, "and for the payment out of court of the principal of such monies, or of the securities wherever the same shall be invested," so as to secure that for the future no person shall suffer in this respect. The principle, however, which dictated this narrowness of construction does not appear to have been entirely eradicated; and in the numerous cases on this subject which we shall have occasion to mention, much remains which we would gladly see removed either by the action of the Court itself, or, if necessary, by the authority of Parliament.

The questions which have most frequently formed the subject of judicial decision in connexion with this are—

1. Who have a right to appear and be heard at the expense of the company?

2. What proceedings, other than the petition itself, are sufficiently connected with the purchase to fall within the words "which shall have been incurred in consequence thereof?" and,

3. What are costs which have been "occasioned by litigation between adverse claimants?"

And with regard to the first point, it would apparently follow from the principle above laid down, that all persons who were so far interested in the lands taken by the company that their concurrence or co-operation would have been necessary to a voluntary sale thereof to a private purchaser, ought to have full notice of every proposed dealing with the purchase money paid for their land, and a right to interfere, if they please, and object to any such dealing if it should not meet with their approval. As a necessary consequence of this, it would follow that the petitioner ought to be bound to serve every person with the petition who would, under the existing practice, be required to be a party to a suit for the sale of the estate, or to be served with a copy of the decree made in such a suit, and that the company ought, in every case, to pay the costs *of the petitioner* of such service. It is another and a very different question, whether all these parties, having nothing to say against the proposed investment of or other dealing with the purchase money, ought to be permitted to appear and consent thereto at the expense of the company; and we do not think that any valid objection would be urged against a rule that no person entitled in remainder, no incumbrancer out of possession, and no bare trustee, should be allowed his costs of appearance as against the company, if he merely appeared to consent, and that the petitioner should be entitled to an order as upon the consent of all parties not appearing, on production of a proper affidavit of service. Of course, in any case where any remainderman, mortgagee, trustee, or other interested party, appeared to *oppose* the petition, the costs must necessarily be in the discretion of the Court, as no conceivable rule could be laid down which would adequately meet the ever varying circumstances of such an opposition; we would presume, however, that generally an unsuccessful opponent would have to bear the extra costs caused by his own act, and that a successful opponent would throw his costs on the petitioner, the fund, or the company, according to the nature of the grounds on which his opposition was based. The question would still remain, whether the costs of parties who appeared to consent, ought to come out of the fund in court; and here again we are compelled somewhat to dissent from the view which has been taken in many of the cases before us. For the Court, which is so chary of the funds of the company, seems to look upon the purchase-money as a ready fund for the payment of all costs not fraudulently or vexatiously incurred; whereas we would venture to suggest, that in an ordinary case any person who appeared merely for the purpose of consenting to the prayer of the petition, ought to pay his own costs; inasmuch as by such appearance and consent he puts himself in no better position than the petitioner had purposed to put him without expense, and therefore has, upon his own showing, incurred the expense of appearance for no useful purpose. Of course, cases will sometimes occur where the Court will consider that trustees or other persons in a fiduciary or quasi-fiduciary position have been justified in appearing, though merely to watch the proceedings on behalf of those whose interests it is their duty to protect; and in such cases the Court would unquestionably take care that their costs were provided for, either out of the general fund, or out of that portion of it which belongs to the person or persons so protected; but, in any ordinary case, we confidently submit that the petitioner is himself sufficient protection for all persons who, if they appeared, would merely appear to support his application, and that therefore such appearance should in general be considered as purely gratuitous, and the parties left to bear their costs themselves.

Such, we believe, to be the true principles upon which this question ought to be decided; how far this view has met with the concurrence of the Court of Chancery, we will endeavour to show at a future opportunity.

JUDICIAL STATISTICS FOR ENGLAND AND WALES.

The judicial statistics for England and Wales for the year 1859, together with an introductory report by Mr. Redgrave, the "criminal registrar," have been issued from the Home Office, and is divided into two parts, the first dealing with matters in relation to the police—criminal proceedings and prisons. Under this department are comprised statements of the police establishments and expenses, and of the number of offences committed and offenders apprehended; statements of the number of inquests held by coroners; the number of persons committed for trial at the assizes and sessions, with the result of the proceedings, the state of the prisons, number of prisoners, establishments, and expenses, with returns of reformatory and industrial schools and of criminal lunatics. The second part gives returns of proceedings, &c., in all the common law, equity, civil, and canon law courts. By the criminal statistics so ably compiled by Mr. Redgrave, it would appear that the total number of police and constabulary employed is £20,597, at a cost of £1,485,029 1*s.* 10*d.* This cost includes the cost of the establishments, and makes an average of £72 2*s.* per man. The following calculation has been made by means of the police of the number of thieves, prostitutes, and suspected persons of all classes at large in England.

	Males.	Females.	Total.
Known thieves—			
Under 16 years of age	4,382	1,546	5,928
16 years and above.....	26,478	7,132	33,610
Receivers of stolen goods—			
Under 16 years of age	85	28	113
16 years and above.....	3,450	844	4,294
Prostitutes—			
Under 16 years of age		2,037	2,037
16 years and above.....		28,743	28,743
Suspected persons—			
Under 16 years of age	3,878	1,370	5,248
16 years and above.....	26,706	5,734	32,440
Vagrants and tramps—			
Under 16 years of age	3,279	2,167	5,446
16 years and above.....	11,811	6,096	17,907
Total—			
Under 16 years of age	11,624	7,148	18,772
16 years and above.....	69,445	48,549	116,994

This table shows a general decrease of male criminals of every class, with the exception of the vagrants, and an increase of the female thieves except those under sixteen years of age; and with regard to prostitutes, there is an increase both of the juvenile and the adult, reaching together 7·0 per cent. An account is also given of the numbers of houses of bad character in England and Wales—these are returned as being 26,276, made up as follows: 3,041 houses of receivers of stolen goods; 7,950 houses the resort of thieves and prostitutes, (2,811 of them public-houses, 2,765 beer-shops, and 428 coffee-shops), 7,991 brothels, and 7,294 tramps' lodging-houses. The number of persons apprehended for indictable offences in the year was 27,119, of whom only 16,674 were sent for trial, and 12,470 were convicted. These numbers pertain to the more serious offences, but there were besides 392,810 persons proceeded against summarily before magistrates, and 257,810 convicted. Many of these persons were charged before the justices with offences rather of a civil than a criminal sort, but a large proportion of them were of a grave character. 133,157 persons were charged with stealing, poaching, assault, or malicious destruction of property, while at least 163,912 more were accused of offences such as drunkenness, vagrancy, unlawful possession of goods, misdemeanours under the Police Acts, and the like. The whole number of persons proceeded against during the year, whether by indictment or summarily before magistrates, was 419,929, and a table is given showing that 136,486 (less than a third) were known to the police as "suspicious characters," vagrants, drunkards, prostitutes, or thieves; 133,359 were persons of good character, and of the remaining 150,084 the character was unknown. The commitments in 1859 were 6·6 per cent. less than in 1858, and 17·7 per cent. less than in 1857. In the year 1859 offences against the person decreased 5·8 per cent.; offences against property committed with violence (including the chief crimes, burglary, housebreaking, and robbery) decreased 15·8 per cent.; the decrease in stealing without violence was 5·4, and was very marked in sheep-stealing; larceny in dwelling-houses, embezzlement, receiving stolen goods, and fraud, forgery, and offences against the currency decreased 11·7 per cent., chiefly the offence of uttering counterfeit coin; in malicious offences against property there was a slight increase. To show more completely the state of crime for a series of years, a distinction is shown between crimes which spring from the state of the general community, and those which spring from a separate criminal class, liable to be increased or diminished by circumstances, the price of food, the state of employment, the system of police; and selecting crimes for which no disturbing changes have been made in the law, except by a great amelioration of punishment, two tables show the commitments of the last thirty years. The first table is as follows:—

	1830-4	1835-9	1840-4	1845-9	1850-4	1855-9
Murder	326	315	347	365	348	345
Wounding with intent to do bodily harm ..	605	739	1,157	1,173	1,249	1,505
Manslaughter	912	1,024	1,050	980	1,144	1,144
Rape and attempts	837	973	1,221	1,263	1,395	1,239
Bigamy	186	215	354	399	404	419

In these thirty years, Mr. Redgrave remarks, the population cannot be estimated to have increased less than 40 per cent. and property probably in a much greater ratio. But there has been no corresponding increase in the commitments for murder, and in those for manslaughter the increase has not amounted to half the rate of increase of the population. In stabbing and attempts to murder there has been a progressive increase, which showed itself in a marked degree on the extensive abolition of capital punishments in 1837. The commitments for rape and attempts to ravish at once attained a higher rate on the abolition of the capital punishment in 1841, but have since been without important change. In bigamy a large progressive increase marks each quinquennial period. These crimes are chiefly those in which the detective agency of the increased police establishments would be brought to bear, rather than their powers of prevention, and the increase described may in a considerable degree be attributed to the greater ratio of detection. Another table, which is as follows, relates to crimes which may be ascribed to the existence of a criminal class :—

	1830-4	1835-9	1840-4	1845-9	1850-4	1855-9
Burglary and housebreaking	4,201	3,990	6,162	5,462	5,495	5,602
Robbery on the person, &c.	2,025	1,601	2,026	1,782	2,405	2,243
Cattle & sheep stealing	2,493	2,466	2,984	2,187	1,796	1,492
Embezzlement	1,109	1,384	1,805	1,812	2,048	2,085
Fraud	1,978	2,225	3,000	2,868	3,532	4,139
Arson	387	294	659	708	913	664
Forgery and uttering..	331	404	781	783	863	1,043
Coining and uttering..	1,838	1,718	2,047	1,946	3,337	3,418

For the last fifteen years, it will be seen, the commitments for burglary and housebreaking have been without any sensible variation ; for robbery on the person the increase, comparing the last with the first fifteen years, has not exceeded 13·7 per cent.; for horse, sheep, and cattle stealing, in the same period, there has been a large absolute decrease in the commitments. These are all crimes in which the repressive agency of the police could be felt.

In the second part of the statistics some returns in relation to bankruptcy proceedings are presented, by which it appears that during the year there were 1,054 persons trading singly or in partnership, declared bankrupt. 893 bankrupts passed their last examination, and the debts stated in their balance-sheets amounted to £3,645,037. £1,057,834 was realised by the Court during the year, and after deducting mortgages, rent, &c., £939,193 remained with the official assignees for administration, the charges attendant upon which amounted to £316,347, or £33 11*s.* 2*d.* per cent. (but of which percentage the bankrupts' allowance and payments for carrying on trade, &c., took £5 6*s.* 11*d.*), and after paying certain debts in full, there remained £687,244 available for dividends to the body of the creditors, being £73 3*s.* 5*d.* per cent. on the amount realised for administration. The commissioners, in going through the cases for the award of certificates, noted the apparent causes of the bankruptcy under these heads:—Reckless and unsound speculations and excessive trading in 295 cases; interest, discounts, accommodation bills, suretyship, 124 cases; incompetence, neglect, personal extravagance, 323 cases; leaving only 145 cases to unavoidable misfortunes. Certificates were refused in 30 cases, suspended in 195, granted immediately in 706. Of the business transacted very nearly one-half was done in the London court.

The Courts, Appointments, Promotions, Vacancies, &c.

QUEEN'S BENCH.

(Sittings at Nisi Prius, before Lord Chief Justice COCKBURN and a Special Jury.)

June 23.—*Saward* v. *Walkden.*—This was an action to recover damages for a series of libels published in the *Blackburn*

Standard, of which the defendant is the printer and publisher, against the plaintiff, who is the town-clerk of that borough. There was a plea of justification, and that the libels were true in substance and in fact. The libels were published in the *Standard* for February 15, February 29, March 7, April 4, and April 18, and in them passages occurred alleging that it was a disgrace to the corporation to have such a representative as the plaintiff; that in the case of a reference in London he did not give that aid to the corporation which he ought to have given; that he made himself a laughing-stock in circles in which he should have wished to stand well; that he brought the borough into contempt by his delinquencies; that the interests of the borough were not safe in his hands; that his vagaries in London were remarkable; that he was *non est inventus* for two days; that he was intoxicated and unfit to attend to business; and that on the 22nd of November, 1859, after being sought for with the assistance of the police, he was found intoxicated, and on being searched he had £280 upon his person, which were taken from him.

The foundation for the more serious of these imputations was laid upon circumstances which occurred in London in November last. Messrs. Eccles & Co., of Blackburn, had sued the corporation upon a claim for some land which was required under the Towns Improvement Act; and the cause was referred to Mr.. Serjeant Atkinson, who, instead of £80,000, which Messrs. Eccles claimed, awarded only £800. It was more a question of surveying and engineering than of law; but the Town-clerk, the Mayor, Mr. Alderman Boyle, and Mr. Councillor Smith, came up to London to attend the reference and to represent the corporation. A sum of about £300 was handed to the town-clerk to meet expenses, and upon a Friday evening in November it was stated that he left Fendall's Hotel without mentioning where he was going, and nothing more was seen of him until the following Monday, when he returned to the hotel, and said he had been to the Crystal Palace to try to get a pair of black swans for the mayor, On the Saturday the reference proceeded, and as the town-clerk did not appear, the mayor, the alderman, and town-councillor became alarmed, and went to the police at Scotland-yard, who advised an advertisement being inserted in the *Hue and Cry*. They did not adopt the advice, but when the town-clerk came back on the Monday they expressed a hope that the money was all right; and, receiving £280 from the plaintiff, constituted the mayor paymaster for the future.

Mr. *Serjeant Atkinson*, Mr. *Overend, Q.C.*, and Mr. *Russell*, of the common law bar, were called and proved that no inconvenience arose from the plaintiff's absence, and that, as attorney to the corporation, he had not failed in his duty in any particular.

The Chief Justice, in summing up, observed that there was no foundation for the imputation that the town clerk had in any respect neglected his duty as attorney to the corporation during the reference.

The jury found for the plaintiff—Damages, £175.

F. A. Carrington, Esq., of the Oxford Circuit, has been appointed Recorder of Wokingham.

The Queen has been pleased to appoint John Hamilton Gray, Joseph Howe, and John William Ritchie, Esqrs., to be Commissioners to inquire into and adjust the differences relative to the rights of land owners and tenants in the island of Prince Edward.

Parliament and Legislation.

HOUSE OF LORDS.

Thursday, June 28.

Chancery Evidence Commission.

The Lord Chancellor presented the report of her Majesty's commissioners appointed to inquire into the mode of taking evidence in Chancery, and its effects, which was ordered to lie on the table.

Law of Evidence.

Lord Brougham, in moving the first reading of this Bill, stated that in the last session he introduced another Bill, by which he proposed to enable all defendants in criminal cases to volunteer to be examined upon oath, provided that they also subjected themselves to cross-examination and to a prosecution for perjury if they made any false statement. There were so many objections raised by his noble and learned friend on the woolsack, and by several other noble and learned peers, that he did not proceed with that Bill. He retained his opinion; but in the hope that he should free himself from those objections, he proposed by this Bill to confine the right of defendants to be examined as witnesses in their own behalf to cases of misdemeanour, in which the prosecutor was himself examined. It was said with regard to the former Bill that a person charged with felony would be likely to take the chance of escaping by perjury, for which the punishment was much lighter; but that argument did not apply to this Bill, as there was scarcely any misdemeanour in which the punishment was materially graver than the punishment for perjury. He would not enter further into explanations, as the whole matter would be discussed on the second reading, beyond reminding their lordships of a remarkable case, in which a gentleman was recentiy convicted when his mouth was closed, and upon whose evidence, subsequently, the principal witness against him was convicted of perjury.

The Lord Chancellor said he would certainly have met the re-introduction of the former Bill of his noble and learned friend with the most strenuous opposition, as its effect would have been entirely to alter the administration of justice in this country. The modified proposal which was now made deserved great consideration, but would require to be carefully limited. The measure could not be extended to all misdemeanours, because in some cases the distinction between misdemeanour and felony was purely technical. He was inclined to think, however, that, as an exception to the general rule, permission to give evidence might be extended to the defendant in such cases as assault and libel, where the prosecutor appeared as one of the leading witnesses against him.

The Bill was read a first time.

HOUSE OF COMMONS.

Monday, June 25.

Bankruptcy and Insolvency (Salaries).

On the report of the resolution of the committee upon the Bill being brought up,

Sir H. Willoughby objected to the charge of £21,000 proposed to be thrown upon the Consolidated Fund for compensations to persons who had no claim upon that fund, and moved to omit from the resolution the word "compensations."

The Attorney-General explained the reasons for transferring the charge for these compensations from the Fee Fund to the Consolidated Fund (in accordance with the recommendation of a commission), which fund ought, he said, in fairness to bear it, and which would be eventually a gainer.

After a brief discussion, in which Mr. Barrow, Colonel French, and Mr. Hadfield took part, the House divided, when the amendment was carried by 111 to 98.

On the question that the resolution as amended be agreed to,

The Attorney-General said that the amendment would materially affect the next order of the day (the Bankruptcy and Insolvency Bill). It would be impossible for him to proceed with the Bill, and he should move to postpone it.

After a considerable discussion, in which Mr. Malins, Mr. Bright, Mr. Bouverie, Mr. Mowbray, Mr. Ellice, and other honourable members took part, the debate was adjourned until Thursday next.

Thursday, June 28.

Trustees, Mortgagees, &c.

Two petitions were presented by Mr. Murray; one from the Metropolitan and Provincial Law Association, and the other from attorneys of Bristol, in favour of this Bill, and praying that in estimating the charges to be allowed in preparing settlements, mortgages, and wills, the taxing master should have regard not only to the length, but to the skill and labour employed, and the value of the property involved.

Bankruptcy and Insolvency.

A petition was also presented by Mr. Murray, from the Metropolitan and Provincial Law Association, objecting to the 464th clause of this Bill; and another petition was presented by Mr. O. Gore, from Drayton-in-Hales, Salop, praying that jurisdiction in bankruptcy may be given to the county courts.

NOTICES OF MOTION.

HOUSE OF COMMONS.

Tuesday, June 26.

CROWN DEBTS.

Mr. HODGKINSON gave notice of his intention to bring in a Bill to amend the law as to crown debts.

Thursday, June 28.

REAL ESTATES TRANSFER.

This Bill has been deferred until Thursday, the 12th of July.

OFFENCES AGAINST THE PERSON.

MALICIOUS INJURIES TO PROPERTY.

COINAGE.

ACCESSORIES AND ABETTORS.

FORGERY.

LARCENY.

CRIMINAL STATUTES REPEAL.

Committees deferred till Thursday next.

TRUSTEES, MORTGAGEES, &C.

Second reading deferred till Thursday next.

INDICTABLE OFFENCES (METROPOLITAN DISTRICT).

Second reading deferred till Wednesday next.

LANDS CLAUSES CONSOLIDATION ACT, 1845, AMENDMENT.

Committee deferred till Monday next.

FELONY AND MISDEMEANOUR.

Committee deferred till Wednesday next.

ROMAN CATHOLIC CHARITIES.

Committee deferred till Thursday next.

PENDING MEASURES OF LEGISLATION.

LARCENY, &C.

Summary of the Bill (as amended by the select committee) ntituled "An Act to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences."

1. Interpretation clause.

2. All larcenies to be of the same nature, and subject to the same incidents as grand larceny was before the 21st day of June, 1827; and every court whose power as to the trial of larceny was before that time limited to petty larceny, shall have power to try every case of larceny, the punishment of which cannot exceed the punishment herein-after mentioned for simple larceny, and also to try all accessories to such larceny.

3. Bailees fraudulently converting property guilty of larceny.

4. Persons convicted of simple larceny, or of any felony hereby made punishable like simple larceny, shall (except in the cases herein-after otherwise provided for) be liable to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of eighteen years, with or without whipping.

5. Three larcenies within six months may be charged in one indictment.

6. If upon the trial of indictment it shall appear that the property alleged in such indictment to have been stolen at one time was taken at different times, the prosecutor shall not by reason thereof be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six months elapsed between the first and the last of such takings; and in either of such last-mentioned cases the prosecutor shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six months from the first to the last of such takings.

7. Persons convicted of larceny, after a conviction for felony liable to be kept in penal servitude for any term not exceeding ten years and not less than three years,—or to be imprisoned or any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of eighteen years, with or without whipping.

8. Persons convicted of simple larceny, after having been previously convicted of any indictable misdemeanour punishable under this Act, liable to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of eighteen years, with or without whipping.

9. Persons committing larceny after two summary convictions guilty of felony, and liable to the same punishments.

10. Persons stealing horses, cows or sheep, guilty of felony, and liable to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

11. Persons killing animals with intent to steal the carcase guilty of felony, and, being convicted thereof, shall be liable to the same punishment as if he had been convicted of stealing the same.

12. Persons coursing, hunting, &c., deer kept or being in the uninclosed part of any forest, &c., shall for every such offence pay such sum not exceeding £50, as to the justices shall seem meet; in the event of his having been previously convicted, guilty of felony, and be liable to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of eighteen years, with or without whipping.

13. Persons stealing deer in any enclosed ground guilty of felony, and liable to the same punishment.

14. Suspected persons found in possession of venison, &c., and not satisfactorily accounting for it, shall forfeit and pay any sum not exceeding £20.

15. Persons setting engines for taking deer, or pulling down park fences where deer kept, shall pay such sum of money, not exceeding £20, as to the justice of the peace shall seem meet.

16. Deer keepers, &c., may seize the guns, &c., of offenders who, on demand, do not deliver up the same, and if offender shall beat or wound any person intrusted with the care of the deer, in the execution of any of the powers given by this Act, such offender shall be guilty of felony, and liable to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of eighteen years, with or without whipping.

17. Persons killing, &c., hares or rabbits in a warren, shall pay such sum of money, not exceeding £5, as to the justice shall seem meet; provided that nothing in this section contained shall affect any person taking or killing in the day time any rabbits on any sea bank or river bank in the county of Lincoln, so far as the tide shall extend, or within one furlong of such bank.

18. Persons stealing dogs to be committed to gaol, there to be imprisoned, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or shall forfeit and pay, over and above the value of the dog, such sum not exceeding £20, as to the justices shall seem meet; and for second offence shall be guilty of a misdemeanor, and liable to be imprisoned for any term not exceeding eighteen months, with or without hard labour.

19. Persons unlawfully in possession of stolen dogs, or the skin of a stolen dog, shall be liable to pay such sum of money, not exceeding £20, as to the justices shall seem meet; and for a second offence shall be guilty of a misdemeanor, and be liable to be imprisoned for any term not exceeding eighteen months, with or without hard labour.

20. Persons taking money or reward under pretence of aiding any person to recover any dog which shall have been stolen, or which shall be in the possession of any person not being the owner thereof, guilty of a misdemeanor, and liable to the same punishment.

21. Persons stealing beasts or birds ordinarily kept in confinement, and not the subject of larceny, shall either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned or kept to hard labour for any term not exceeding six months, or else shall pay, over and above the value of the bird, beast, or other animal, such sum of money, not exceeding £20, as to the justice shall seem meet; and for the second offence, shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding twelve months as the justice shall think fit.

22. Persons found in possession of stolen beasts, knowing

them to have been stolen, shall be liable for the first offence to such forfeiture, and for every subsequent offence to such punishment, as in the last section.

23. Persons killing pigeons, shall pay, over and above the value of the bird, any sum not exceeding £2.

24. Persons taking fish in any water situate in land belonging to a dwelling house or in a private fishery elsewhere, shall pay, over and above the value of the fish taken or destroyed (if any), such sum of money, not exceeding £5, as to the justice shall seem meet; nothing herein contained to extend to any person angling between the beginning of the last hour before sunrise, and the expiration of the first hour after sunset, and taking or destroying, or attempting to take or destroy, any fish in any such water as before mentioned, shall pay any sum not exceeding £5, and if in any such water as last mentioned, he shall pay any sum not exceeding £2; and if the boundary of any parish, township, or vill, shall happen to be in or by the side of any such water as in this section before mentioned, it shall be sufficient to prove that the offence was committed either in the parish, township, or vill, named in the indictment or information, or in any parish, township, or vill adjoining thereto.

25. The tackle of fishers may be seized, and angler on seizure of his tackle, exempt from penalty.

26. Persons stealing or dredging for oysters in oyster fisheries, shall be guilty of a misdemeanor, and liable to be imprisoned for any term not exceeding three months, with or without hard labour, and with or without solitary confinement. Sufficient in any indictment to describe either by name or otherwise the bed or fishery in which any of the said offences shall have been committed, without stating the same to be in any particular parish, &c. Nothing in this section contained to prevent persons from catching or fishing for any floating fish within the limits of any oyster fishery with any net, instrument, or engine adapted for taking floating fish only.

27. Persons stealing or destroying, &c., any valuable security, other than a document of title to lands, guilty of felony, and punishable in the same manner as if he had stolen any chattel of like value.

28. Persons stealing or destroying deeds &c. guilty of felony, and shall be liable to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement; and in any indictment for such offence, it shall be sufficient to allege such document to contain evidence of the title or of part of the title of the person or of some one of the persons having an interest, whether vested or contingent, legal or equitable, in the real estate to which the same relates, and to mention such real estate or some part thereof.

29. A similar provision as to wills. Nothing in Act contained to affect other remedies at law and in equity. No person shall be liable to be convicted of any of the felonies in this and the last section, by any evidence whatever, in respect of any act done by him, if he shall at any time previously to his being charged with such offence have first disclosed such act, on oath, in consequence of any compulsory process of any court of law or equity.

30. Persons stealing records or other legal documents, shall be guilty of felony, and liable to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement; not necessary in any indictment to allege that any article in respect of which the offence is committed is the property of any person.

31. Persons stealing, cutting &c., with intent to steal, any glass or wood-work belonging to any building, or any lead, iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or other material or of both, fixed to any building or any thing made of metal fixed in any land being private property, or for a fence to any dwelling house, garden, or area, or in any square or street, or in any place dedicated to public use or ornament, or in any burial ground, guilty of felony, and liable to be punished as in the case of simple larceny; and in the case of any such thing fixed in any such square, street, or place as aforesaid, it shall not be necessary to allege the same to be the property of any person.

32. Persons stealing, cutting, or destroying trees in pleasure grounds of the value of one pound, or elsewhere of the value of five pounds, be guilty of felony, and liable to be punished as in the case of simple larceny.

33. Persons stealing, cutting, or destroying shrubs, &c., wheresoever growing, and of any value of above one shilling, shall pay, over and above the value of the article stolen, or the amount of the injury done, such sum not exceeding five pounds as to the justice shall seem meet, and for a second offence be committed to gaol, there to be kept to hard labour for such term not exceeding twelve months as the convicting justice shall think fit; and for a third offence shall be guilty of felony, and liable to be punished in the same manner as in the case of simple larceny.

34. Persons stealing live or dead fence, &c., wooden fence, stile, or gate, &c., with intent to steal any part of any live or dead fence, shall pay, over and above the value of the articles stolen, or the amount of the injury done, such sum not exceeding five pounds as to the justice shall seem meet; and upon a second offence shall be committed to gaol with hard labour, for such term not exceeding twelve months as the convicting justice shall seem fit.

35. Suspected persons in possession of wood, &c., not satisfactorily accounting for it, shall pay, over and above the value of the article found, any sum not exceeding two pounds.

36. Persons stealing, &c., any fruit or vegetable production in a garden, &c., shall be committed to gaol, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the article stolen, or the amount of the injury done, such sum not exceeding £20 as to the justice shall seem meet; and for a second offence shall be guilty of felony, and liable to be punished as in the case of simple larceny.

37. Persons stealing, &c., vegetable productions not growing in gardens, &c., shall either be committed to gaol, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall pay, over and above the value of the article stolen, or the amount of injury done, such sum not exceeding 20s., as to the justice shall seem meet; and in default of payment together with the costs (if ordered), committed for any term not exceeding one month, unless payment be sooner made; and for a second offence, shall be committed to gaol with hard labour, for such term not exceeding six months as the convicting justice shall think fit.

38. Persons stealing, ore of metal, coal, &c., guilty of felony, and liable to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

39. Miners removing ore with intent to defraud, guilty of felony, and to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

40. Robbery or stealing from the person, a felony; and offender liable to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

41. On trial for robbery, jury may convict of an assault with intent to rob.

42. Persons guilty of an assault with intent to rob, guilty of felony, and shall, except in the cases where a greater punishment is provided by this Act be liable to be imprisoned for any term not exceeding three years, with or without hard labour and with or without solitary confinement.

43. Robbery or assault by a person armed, or by two or more, or robbery and wounding, a felony, and offender liable to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

44. Letter, demanding money, &c., with menaces, a felony, and offender liable to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of eighteen years, with or without whipping.

45. Demanding money, &c., with menaces, or by force, with intent to steal, a felony, and offender liable to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement.

46. Letter threatening to accuse of crime, with intent to extort, a felony, and offender liable to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, or with or without solitary confinement, and, if a male under the age of eighteen years, with or without whipping; infamous crime defined.

47. Immaterial whether the menaces be of violence or injury to be caused by the party sending, or by any other person.

48. Accusing or threatening to accuse, with intent to extort, a felony, and offender liable to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without

hard labour, and, if a male under the age of eighteen years, with or without whipping.

49. Inducing a person by violence or threats to execute deeds, &c., with intent to defraud, a felony, and offender liable to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

50. Persons breaking or entering a church or chapel and committing any felony, shall be liable to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

51. Persons entering the dwelling-house of another with intent to commit felony, or being in such dwelling house shall commit a felony, and shall in either case break out of the said dwelling house in the night, shall be deemed guilty of burglary.

52. Persons convicted of burglary shall be liable to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

53. No building, although within the same curtilage with any dwelling house, and occupied therewith, shall be deemed to be part of such dwelling house for any of the purposes of this Act, unless there shall be a communication between such building and dwelling house, either immediate, or by means of a covered and inclosed passage leading from the one to the other.

54. Persons entering a dwelling-house in the night with intent to commit any felony shall be liable to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

55. Persons breaking into any building within the curtilage which is no part of the dwelling-house and committing a felony shall be liable to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

56. Similar provision with same punishment for breaking into any house, shop, warehouse, &c., and committing any felony.

57. Persons convicted of housebreaking, &c. with intent to commit any felony, guilty of felony, and liable to be kept in penal servitude for any term not exceeding seven years, and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

58. Persons armed with intent to break and enter any house in the night, guilty of a misdemeanor, and liable to be imprisoned for any term not exceeding three years, with or without hard labour.

59. Persons guilty of such misdemeanor as in the last section after a previous conviction, either for felony or such misdemeanor, shall be liable to be kept in penal servitude for any term not exceeding ten years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

60. Persons stealing in a dwelling-house to the value of £5 guilty of felony, and liable to penal servitude for any term not exceeding fourteen years and not less than three years—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

61. Persons stealing in a dwelling-house with menaces guilty of felony, and liable to the same punishment.

62. Persons stealing goods in process of manufacture to the value of ten shillings, guilty of felony, and liable to the same punishment.

63. Persons stealing from ships, docks, wharfs, &c., guilty of felony, and liable to the same punishment.

64. Stealing from ship in distress or wrecked, a felony, and offender liable to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and the offender may be indicted and tried either in the county or place in which the offence shall have been committed or in any county or place next adjoining.

65. Persons in possession of ship wrecked goods, not giving a satisfactory account, shall on conviction be committed to gaol there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall pay over and above the value of the goods, merchandise, or articles, such sum of money not exceeding twenty pounds as to the justice shall seem meet.

66. If any person offers shipwrecked goods for sale, the goods may be seized, &c.; and if the person who shall have offered or exposed the same for sale, shall not satisfy the justice that he came lawfully by such goods, &c., the same shall be forthwith delivered over to the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the justice) to the person who seized the same; and the offender shall either be committed to gaol to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall pay, over and above the value of the goods, &c., such sum of money not exceeding twenty pounds as to the justice shall seem meet.

67. Larceny by clerks or servants. Felony and offender liable to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement and if a male under the age of eighteen years, with or without whipping.

68. Embezzlement by clerks or servants. Any person employed in the capacity of a clerk or servant, fraudulently embezzling any chattel, &c., which shall be delivered to or received or taken into possession by him for or in the name or on the account of his master or employer, shall be deemed to have feloniously stolen the same from his master or employer, although such chattel, &c., was not received into the possession of such master or employer otherwise than by the actual possession of his clerk, servant, or other person so employed, and shall be liable to the same punishment.

69. Larceny by persons in the Queen's service or by the police, a felony, and offender liable to the same punishment.

70. Similar provision with same punishment as to embezzlement by persons in the Queen's service, or by the police.

71. Distinct acts of embezzlement may be charged in the same indictment.

72. Person indicted for embezzlement as a clerk, &c. not to be acquitted if the offence turn out to be a larceny; and *vice versâ*.

73. Embezzlement by officers of the Bank of England or Ireland a felony, and offender to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

(*The remainder of this Bill will appear next week.*)

Recent Decisions.

[*Equity, by* J. NAPIER HIGGINS, Esq., *Barrister-at-Law; Common Law, by* JAMES STEPHEN, Esq., *Barrister-at-Law.*]

EQUITY.

LUNACY—PERSON NOT FOUND SO BY INQUISITION—APPLICATION OF INCOME.

In re ———, 8 W. R., L. J., 333; *In re Burke*, 8 W. R., L. J., 534.

In Mr. C. P. Phillips's very useful work on the Law of Lunacy, chap. 8, p. 372, there is presented, in a tabular form, the results of a number of decisions of the Court of Chancery, as to the application of the income of funds subject to the jurisdiction of the Court, belonging to persons of unsound mind, not found so by inquisition. The most casual perusal of this table will show what great uncertainty—arising from an old conflict of authorities—characterizes the rule of the Court touching this question. The Court, however, without interfering with the jurisdiction in Lunacy, has long recognised its obligation to take care, as far as it can, of the persons and property of those within and subject to its jurisdiction, who are incapable of taking care of themselves and property. Although, as we have observed, the rule founded upon the acknowledgment of this obligation has been practically very variable, it may be generally stated,

First, that where there is a fund in Court belonging to a person of unsound mind, and the amount is so small as not to justify the expense of a commission, the Court will make such order for the maintenance and care of the owner as it think best under the circumstances.

Secondly, irrespective of amount, the Court may make such order for a temporary occasion, where it would not do so to affect permanently the person or property of one not found

lunatic by inquisition. All the cases under these two heads are collected in Mr. Phillips's book, *supra*, except the above very recent cases. In *re* ———, trustees of an ante-nuptial and of a post-nuptial settlement presented a petition under Lord St. Leonards' Act (22 & 23 Vict. c. 35), seeking the advice and direction of the Court, the wife to whose separate use the whole income was settled having become lunatic. The property consisted of two sums of £1,200 each; and the wife was being supported by her husband in a private lunatic asylum. Under these circumstances the Court declared its opinion that the whole of the income of the trust funds should be paid to the husband till further order, he undertaking to apply the same to the maintenance of his wife and their children. In the other above mentioned case (*Re Burke*), an idiot, aged 29, residing with his brother and sister, was entitled to a sum of £4,446 11*s.* Consols in court, and also to other property, the whole income of which amounted to less than £300 a-year. The Lords Justices ordered payment of the dividends on the stock to the brother and sister on their undertaking to support the idiot, and Lord Justice Turner, it appears, specially referred to the fact that the annual income was less than £300. By way of example of the conflict of authorities to which we have referred, *Ex parte Ridgway*, 5 Russ. 152, may be mentioned an this point. In that case Lord Lyndhurst refused to give any directions touching the property of a person of unsound mind where no commission of lunacy had been issued, although the fortune of such person consisted only of an annuity of £50, and some arrears.

Thirdly, The Court will sometimes for its own satisfaction, and for the purpose of maintaining its supervision over both person and property, require a yearly application (in chambers) in respect of such maintenance; *Sturge's trust*, 7 W. R. 395.

It does not appear to be quite certain as to what are the rights and obligations of trustees of property (where the amount is greater than £300 or where the amount is at all considerable) belonging to a person of unsound mind not found so by inquisition. Now that the passing of Lord St. Leonards' recent Act has enabled the opinion and direction of the Court to be obtained, in such a case, trustees need have no difficulty under such circumstances. But where trustees so placed either treat such *cestui que* trust as sane, when in fact he is *non compos mentis*, or virtually taking upon themselves the jurisdiction of the Lord Chancellor or the Court of Chancery deal with his property as if he had been found a lunatic, it is evident that they thereby expose themselves to the risk of the Lord Chancellor sitting in the Lunacy or the Court of Chancery, on some future occasion, taking a different view of the rights, obligations, and conduct of the trustees to that entertained by themselves.

It may be mentioned here, although not strictly pertinent to the matter under consideration, that the Court not long ago entertained a suit instituted in the name of a person of weak mind by a next friend. An objection having been raised by the answer that the plaintiff being of unsound mind, was incapable of suing except by a committee duly appointed in lunacy, Sir J. Romilly, M.R., was of opinion that it was proper to make a decree for the benefit of the plaintiff, who was entitled to the protection of the Court; *Light* v. *Light*, 25 Beav. 248.

COMMON LAW.

PRACTICE—COSTS—PAYMENT INTO COURT OF PART OF SUM CLAIMED—SECURITY FOR COSTS.

Harrold v. *Smith*, 8 W. R. Ex. 447; *Whitall* v. *Campbell*, ib. 450; *Chapple* v. *Watt*, ib. Q. B.

These three cases are all elucidatory of the practice as to *costs*; and the first of them has some connexion with that of *James* v. *Vane*, discussed in the last number. The question involved in it was, as to the proper construction of the General Rule governing costs, if *part* of the money claimed in the declaration be paid into court. This rule (Reg. Gen. H. T. 1853 (Pr.) r. 12), is supplementary of the section in the Procedure Act, 1852, which provides that after a plea of payment into court, the plaintiff may accept the sum so paid, in full satisfaction and discharge of the cause of action in respect of which it has been paid in, and, thereupon, tax and sign judgment for his costs; or, that he may reply that the sum is insufficient, on which, if issue be joined and found for the defendant, the latter is entitled to the general costs of the action (15 & 16 Vict. c. 76, s. 73). Thus far the statute; but the rule proceeds to provide for the equitable distribution of costs, where money is paid into court in respect of any particular sum or cause of action in the declaration, and is accepted as satisfaction thereof. In such case the plaintiff is entitled to the costs of the cause in respect of that part of his claim, *up to the time of payment*; whatever may be the result of other issues in respect of other causes of action. In the present case, the claim was for a certain sum, in respect of work and labour done by the plaintiff for the defendant. The defendant delivered pleas, on which issue was joined and notice of trial given. But afterwards these pleas were withdrawn on a judge's order, and in their place the defendant paid part of the sum claimed, and pleaded the general issue as to the residue. It was one of the terms of the above order, "that the defendant be at liberty to amend his pleadings in this cause;" and another, "that the costs be plaintiff's costs in the cause at all events." Previous to the order, the plaintiff had prepared his brief, and at the trial he was nonsuited. At the taxation of costs, the Master allowed the plaintiff the costs of the brief, or at least the greater portion of them; and the present application was, that the taxation be reviewed, as having in this respect been made on a wrong basis. In disposing of, and making absolute the rule *nisi*, which had been obtained to this effect, the Court observed that the question was one of very considerable importance, since it involved the *principle* on which costs are given by the law to the successful party. "They are given," said Bramwell, B., in delivering the judgment of the Court, "as an *indemnity* to the party who receives them, not as a bonus to such party, or as a punishment to him who has to pay them." From this doctrine the Court drew the inference, that (subject to certain excepted cases), the extent of costs should be commensurate with the extent of damnification. And, consequently, since the brief was not substantially varied, by reason of the alteration in the original pleadings, the plaintiff was not injured in costs by the amendment made, and was not entitled to the costs of the brief. The judgment of the Court was elaborate; and in it their opinion was expressed in language not admitting of compression, as to the proper manner of applying the general practice rule above referred to, to the special circumstances of the case. The most useful part of it, however, for the general reader, is the judicial enunciation of the principle, that costs are only given as an indemnity.

The other two cases are upon a different branch of the same subject, viz., as to the circumstances under which a plaintiff will be required to give security for the defendant's costs. The rule as to this is, that the plaintiff will be required to do so if he be out of the jurisdiction. But to this there are a variety of exceptions mentioned in the books; and among exempted persons are plaintiffs who hold temporary appointments abroad under the crown, and soldiers or sailors on foreign service. It was, held in *Plowden* v. *Campbell* (25 L. J. Q. B. 385), that a civil servant of the East India Company did not come within the exception to the rule. But *Whitall* v. *Campbell* shows that since, by the effect of 21 & 22 Vict. c. 106, such servants now hold their appointments directly under the crown, they are within the exception, and need not give security. On the other hand, the case of *Chapple* v. *Watt*, shows that the rule itself is somewhat too broadly stated in the books of practice, and that the circumstance that the plaintiff, who is abroad, happens at the time to be serving the crown, is not sufficient to dispense with his giving security, unless it also appears that were it not for that service, he would be within the jurisdiction.

SLANDER—SPECIAL DAMAGE, GROUNDS OF.

Alsop and Wife v. *Alsop*, 8 W. R., Exch., 449.

In one point of view this is a hard case; but there seems no doubt that the decision of the Court is both correct in point of law and consonant to the principle which disregards hardship to an individual, if occasioned by the application of a doctrine of law agreeable to public policy, to his special case. It had been falsely said by the defendant, that the plaintiff's wife had committed adultery; but inasmuch as by our law such a verbal imputation does not amount to slander, unless some special damage be alleged and proved, it was in the present case alleged in the declaration (as was the case in point of fact) that the woman had, by reason of the imputation, lost the society of her friends, and had become ill. The Barons, however, all held that such damages would not make the words actionable. The first allegation was too general, and imputed no temporal damage (see 1 "Stark. Slander," p. 199), and the other was too remote; that is, it did not naturally result from the speaking of the words, but rather arose from the idiosyncrasy of the person against whom they were uttered. "The law," said Mr. Baron Martin, "is jealous of actions being maintained for mere words; it has prescribed strict rules as a protection against the multiplication of these actions; and we ought, on the ground of public policy, to be careful not to enlarge their scope." It may be observed that an American case (*Ford* v. *Munro*, 20 Wend.

210) in which damages were allowed for the illness of the mother of a child killed by the negligence of the defendant, was pressed upon, but disregarded by the Court—who characterised it as "opposed to all the principles on which we have acted for centuries."

The Provinces.

BIRMINGHAM.—It is arranged that the testimonial portrait of Mr. Arthur Ryland shall be presented to the Institute at a *soirée* to which the members of the Institute will be invited. The day fixed is Monday, the 2nd of July, and as a number of objects of interest, and the means of intellectual recreation, as well as physical comforts, will be provided, a very pleasant evening may be expected. The presentation and *soirée* will be free to members of the Institute, and the ladies who hold lecture tickets, and to friends of members on payment of 1*s*. We understand that the committee have decided upon making a presentation to Mrs. Ryland as a record of the event.

DUDLEY.—At the weekly meeting, held on the 22nd inst., of the Board of Guardians, Mr. Barrs in the chair, the chairman called the attention of the board to the Bill lately introduced into the House of Commons by Mr. H. B. Sheridan (M.P. for Dudley), which authorised the appointment of a stipendiary magistrate for every town, city, or borough, containing 25,000 inhabitants, and referred to the time when the Wolverhampton stipendiary district was formed, and stated that he was influential in getting up a successful petition to exclude Rowley parish from the payment of the extra rate which was the natural consequence of the appointment. It was held out as an inducement to coincide with the appointment of a stipendiary that the fees would be enough to meet all demands, but it was not so. On the 1st of the ensuing month the parishes of Sedgley and Tipton would have to pay another rate, but Rowley was exempt. He (the chairman) thought they were very much oppressed with heavy payments now, and if they consented to the appointment of a stipendiary for Dudley, he would not accept less than £1,000 a year, which sum would occasion a great increase in their expenditure. If Dudley were dissatisfied with the administration of justice as it was at present carried on in the new Town Hall, the inhabitants should come forward and say so in a public meeting, and then no doubt the present magistrates would cease to act. If the people were satisfied, then they should save their money and oppose the Bill. He thought the practice of hiring justice was an insult to the gentlemen of the country, and he brought the subject forward, because he thought the guardians of the public money ought to take notice of every proposed increase of expenditure. He thought the gentlemen of the country administered justice more to the satisfaction of the country than the stipendiaries, and therefore as the proposed Bill could only increase their expenses without at the same time doing any good, he proposed that the board should petition against its passing. —Mr. Walker thought everything should emanate from the board of guardians which concerned the public payment of rates, and if they did their duty to the ratepayers they would oppose the Bill as much as possible. He thought the passing of the Bill would be a great reflection upon the magistrates of the district, who gave up so much of their valuable time to the administration of justice, and who had given such general satisfaction by the manner in which they discharged their duties. He did not think any gentleman in the neighbourhood could charge them with partiality in the administration of justice. He therefore had great pleasure in seconding the proposition of the chairman.—Mr. Griffiths never heard any remark made to the effect that the town required a stipendiary magistrate, and he thought the town was much indebted to the present magistrates for the services they rendered to the public. With regard to the question of fees, he had to pay 21*s*. the other day, before a stipendiary magistrate, for costs alone, in a nuisance removal case, although no fine was inflicted, because the nuisance was removed a few hours after complaint was made of it. After some discussion, it was resolved, that the subject should be adjourned for a week, and that in the meantime a copy of the Bill should be procured.

LIVERPOOL.—The learned Deputy Recorder in passing sentence at the sessions, on Friday, the 15th instant, on two women, said he might observe that he had received a memorial from some person in court in favour of one of the prisoners, named Thomas. It was evident that some person in court was carrying on a sort of business in the way of getting up petitions, because that was the second he had received in the course of a few minutes, written by the same hand. The statements in the memorial were particularly absurd, because it averred that that was the first time that the prisoner had ever been brought into such a disgraceful position, and that it would not have occurred but "for the accursed influence of drink;" whilst the fact was that she had been twelve times convicted, and once sent to penal servitude for four years.—The sentence was that she would be kept in penal servitude for seven years.

The number of indictable offences committed in Liverpool during the year, so far as known to the police, was 3,901, on account of which 2,564 persons were apprehended, 1,015 of whom were committed for trial, 17 committed in default of sureties, 86 bailed for trial, and 1,446 discharged. There were two cases of murder, and one attempt to commit murder, 84 of shooting, stabbing, &c., with intent to do bodily harm, 19 of manslaughter, 3 of concealment of birth, two attempts to commit unnatural offences, one case of rape, and four of assaults with intent to commit that offence, six of bigamy, 56 violent assaults, 21 assaults on the police, 10 common assaults, one case of sacrilege, 79 burglary and housebreaking, 59 of breaking into shops, warehouses, &c., 95 attempts to break into houses, shops, &c., 52 highway robberies, 19 attempts to rob on the highway, two cases of horse-stealing, 2,723 of larceny and stealing, 70 embezzlement, 106 of receiving stolen goods, 215 of obtaining goods by false pretences and attempts to defraud, 12 of forgery, 200 of uttering or attempting to utter base coin, 55 of keeping disorderly houses, and one of perjury. The number of offences determined summarily was 34,857, the most numerous being drunkenness, which led to the punishment of 11,037; offences against Local Act and Borough Bye-Laws 11,761; stealing or attempts to steal, 2,467; assaults, 3,149, and offences against Police Acts, 1,699. The classes of persons proceeded against on indictment are returned as follows: —627 known thieves and depredators, 566 prostitutes, 25 habitual drunkards, 30 persons of previous good character, and 1,316 whose previous character was not ascertained, making a total of 2,564; and those proceeded against summarily are classified as follows:—855 known thieves and depredators, 8,314 prostitutes, 450 vagrants, tramps, and others without any visible means of subsistence, 53 suspicious characters, 1,577 habitual drunkards, 28 persons whose previous character was good, and 28,580 whose previous character was not ascertained, in all 34,857. Closely connected with the criminal statistics of the borough are those of the coroners' inquests held during the year, to the number of 690, whereof 251 were upon children under seven years of age, 47 upon children between the ages of seven and sixteen, 330 upon adults between sixteen and sixty, and 62 upon persons above sixty years of age. The juries found verdicts of wilful murder in 21 cases, manslaughter in 10, suicide in 22, accidental death in 429, injury from unknown causes in 47, found dead in 70, excessive drinking in 42, and want and exposure to cold in six; other causes (unspecified) 43; total costs, £1,467. The number of inquests throughout the country is in excess of those of the two preceding years, the most marked feature being an increase in the number of females murdered. Offences against the person have decreased, on the whole, however, though there was a small increase under the heads of murder, attempted murder, concealment of birth, and bigamy. "The whole tendency of crime," says Mr. Redgrave, "has been for some years to the diminution of offences of violence, and the increase of offences of planned theft and fraud—skill in crime has succeeded violence." The comparison with previous years is, on the whole, favourable, and affords hope of further improvement.

MIDDLESBRO'.—For some time past the Middlesbro' corporation have had it under their consideration to create Middlesbro' the centre of a county court district. Great inconvenience is represented to be experienced by tradesmen and others in the recovery of their small debts, in consequence of the court being located at Stockton and Stokesley. In furtherance of the desired object, the town-clerk applied to the registrars of the Stockton and Stokesley county courts for returns of the number of cases from Middlesbro' and the neighbouring townships heard in their respective courts. The former declined to furnish the required returns, which was, however, obtained by Mr. Cayley, one of the members of the North Riding, who moved for an order in the House of Commons. The return gives the number of plaints entered in the year 1859, from each township in the districts of Stockton and Stokesley, with the number of defendants resident therein, and the amount claimed. From the return it appears that 392 plaints had been entered in Stockton district by persons not resident in it, and 188 in the Stokesley district.

Ireland.

COURT OF COMMON PLEAS.

A Chief Justice disobeying a subpœna.—Mecredy v. *Fitzgerald.*—This was an action by a solicitor against the well-known firm of D. & T. Fitzgerald, solicitors, for an alleged libel, arising out of the publication in a morning journal of a report of the trial of a former action, which report, reflecting in severe terms, as was alleged, on the plaintiff, was furnished by the defendants. Mr. Mecredy, the plaintiff, several months since, bought for a small sum, an old mortgage on some premises at Roundstone, the property of D. Kelly; and afterwards filed a petition in the Landed Estates Court to sell the premises. Cause was shown on behalf of Kelly against the order, on the ground that the mortgage had been paid off several years before. This matter of fact being disputed, an issue was directed by the Landed Estates Court to the Queen's Bench, to ascertain whether the mortgage had been paid off; and at the trial of this issue before Lord C. J. Lefroy, both judge and jury were of opinion that the mortgage had been paid off, and a verdict was returned accordingly. Messrs. Fitzgerald, the solicitors for Kelly, or some one in their office, then sent or caused to be sent the report complained of, to a morning paper, which represented the Lord Chief Justice as characterizing the proceeding as one full of "artifice and villainy," and represented the jury as agreeing "that a more fraudulent case never came before them." . . . . Several witnesses were examined on the part of the plaintiff to show, 1st., That the Lord Chief Justice and the jury did not use the harsh expressions imputed to them respectively; and 2nd., That the newspaper report was generally taken to reflect on the character of the present plaintiff. On the defendant's part, it was contended that the plaintiff was not named or even distinctly pointed at in the alleged libel, and that the report was substantially an accurate report of what fell from the Lord Chief Justice and the jury on the occasion referred to. . . . . At this stage Chief Justice Monahan intimated that it would be better for the parties to come to an amicable settlement; and it was soon arranged that a juror should be withdrawn, each party bearing his own costs and contributing equally to the expenses of the special jury.

The principal point in dispute was the language actually made use of by the Lord Chief Justice, and this being the case, his lordship was served with a subpœna; but refused to attend. There appears some difference of opinion as to whether the Lord Chief Justice was justified in disregarding the subpœna. We apprehend that he was bound to attend like any other witness; and we have been informed by a counsel who was present in court, that Mr. Justice Willes (who occupied a seat on the bench during most of the day), had as *amicus curiæ*, cited the *Swinfen case*, where a judge had considered it his duty to attend on being subpœnaed, and had given testimony as to what had transpired before him, and what had been said by him, on a former trial.

TRINITY COLLEGE, DUBLIN.

At the summer commencement, held on the 27th of June, in the Examination Hall, the honorary degree of Doctor of Laws was conferred, amidst loud applause, on the following learned judges:—The Right Hon. J. H. Monahan, Chief Justice of the Common Pleas, and the Hon. James Shaw Willes.

THE CORPORATION OF DUBLIN.

A special meeting of the municipal council was held on June 23, for the purpose of electing a Town Clerk, and to transact other business.

The Lord Mayor appointed Mr. Martin (Fitzwilliam ward) and Mr. Richard Kelly as tellers. The election, in accordance with the bye law, took place by ballot, the result of which was the election of Mr. Alexander Farquhar. The Lord Mayor having declared that gentleman to be elected, he returned thanks to the members of the corporation for having elected him to the office.

DECREASE OF CRIME.

It appears from the 38th Report of the Inspectors of Irish Prisons that crime has been steadily decreasing in Ireland from 1850 to the present time. The inspectors call attention to some improvements that should, in their opinion, be made in the system of reformatory schools; and express their confident expectation that, with certain changes, those schools may be made more valuable adjuncts to, or substitutes for, the county and borough prisons.

LEGAL APPOINTMENTS.

The post of Solicitor to the Ecclesiastical Commissioners for Ireland has been filled up by the appointment of Mr. John Ball, M.A., of the firm of J. & C. Ball. It will be remembered that this solicitorship was for many years held by Mr. G. Fetherstone, whose professional conduct was called in question in the important case of *Orme* v. *Fetherstone*, in Chancery (page 540, *ante*). Mr. Fetherstone's resignation of this and other valuable public appointments is understood to be owing to the nature of the remarks which fell from the Lord Chancellor on that occasion.

Mr. Arthur Barlow (a vice-president of the Incorporated Society of Solicitors) has been appointed Solicitor to the Board of "Smith's Endowed Schools," in the place of Mr. Fetherstone, resigned.

Mr. George Keogh has been nominated by the Attorney-General as Crown Solicitor at Quarter Sessions for the county of Meath, in succession to Mr. Hanlon, deceased.

Foreign Tribunals and Jurisprudence.

The following is from a member of the English bar, now resident in Berlin:—

The paper, on the establishment in England of a Law University, which has recently appeared in your columns, suggested to me that you might like to know something of the training of Prussian lawyers. The following information is at your service.

There is no distinction here between barristers and attorneys, except, I believe, in the Rhine provinces, where the French system is followed. The whole proceedings in a suit are conducted by one man—the rechtsanbath or advocate, who gives his advice, arranges the pleadings and argues the case in court. To enable a man to practise as rechtsanbath, he must have passed his examination at one of the universities (there are five in Prussia) in all of which law is taught. After that he has three successive grades to pass through—as auscultator, referendarius, and assessor; to arrive at each of which he has to undergo a legal examination. These terms have no very defined meaning, I believe, but mark only the student's progressive steps towards attaining the rank of advocate. This process occupies him for about five years after quitting the university, during a portion of which time he is attached to one of the district courts which are spread over the kingdom (not like our county courts, but deciding causes of every nature and magnitude), acting as a sort of clerk to the judge, but without receiving any salary, and simply to enable him to acquire a knowledge of his profession. A certain portion of these five years is also spent in the chambers of an advocate.

When the student has passed the third stage, he is then qualified to practise as a lawyer and advocate, and he is assigned by the Minister of Justice to some particular district court in the country, to practise in, *i. e.*, as soon as a vacancy occurs, for the number of advocates in each court is limited; an advocate, too, can only practise in his own court. After the lapse perhaps of five or six years, he may get appointed to town practice; but there are no honours in store for a successful practitioner, as with us. The judges are not selected from the advocates, but when a student has passed his third examination, he is qualified to be made judge of a district court, from which he may rise after a time to the higher tribunals, the courts of appeal; so that, in fact, a student having obtained his qualification, decides whether he will practise as an advocate, or wait for an appointment as judge. If he be a man of ability and with good connections, he selects the former, as the judges are very poorly paid. Indeed, the earnings of an advocate are, according to our standard, not very large; for I am told that the most successful will not make more than £2,000 a-year. The courts here have each a criminal and civil jurisdiction. The criminal cases are decided by a jury, the civil by the judge. Matters relating to contracts, wills, &c., are settled by notaries.

When a student here has attained his qualification for rechtsanbath, he is considered eligible for and has but little difficulty in obtaining a place under the Government, should

he choose to abandon the law. There are no police magistrates unpaid. I have been into two of the courts (criminal and civil), accompanied by a rechtsanbath. There must be a majority of two-thirds of the jurymen to condemn. If seven to six, the court gives its decision. I have a correction to make: on further inquiry, I find that advocates can practise in *any court* in *criminal* cases; and another, that advocates are assigned not to a particular court, but to a particular *district*, in which there is one principal court, and several subsidiary ones. There are two appeals—to the chief court of the province, and then to the Ober Tribunal in Berlin. The appearance of the courts I saw, does not give one a very high notion of the majesty of the law in this country. Neither were equal to one of our county courts. The lawyers are a dirty, common looking set, and the judges certainly not better. The latter are wretchedly paid. Neither wear any costume. The army here swallows up nearly the whole of the revenue. It is really very difficult to get *exact* information upon such matters. Police magistrates are, I understand, appointed from qualified students; though I am not clear that this is universally the case.

FRANCE.—A case of some interest to Bourse speculators has been submitted to the Imperial Court. In the summer of 1853 a lady named Carmé, wife of a gentleman of property, made numerous speculations on the Bourse in Northern, Western, Rouen, Lyons, Mobilier, and other shares, and continued doing so down to 1858. The result was that she sustained losses, and that a number of shares which she had deposited as security for her operations were forfeited. But she and her husband brought an action before the Civil Tribunal against M. Courpon, a retired *agent-de-change*, against M. Genty de Bussy, his successor, and against one Falcon, in their service—through whom the operations had been effected—to get back certain sums which she had paid them, and also the shares she had deposited, on the ground that, being a married woman, and not having been expressly authorised by her husband, all her transactions were null and void. In opposition to the action, the defendants produced not only numerous letters written by the lady relative to the transactions, which they contended proved that her husband knew what she was doing, but one written by the husband himself, in which he described his wife as "my banker and my *agent-de-change*," and spoke of certain operations of "ours." But the Tribunal held that no sufficient authorisation to the wife had been accorded, and that her action must be admitted. The three defendants lodged an appeal against this decision before the Imperial Court, and it was heard yesterday. The Court, taking an entirely different view of the matter, declared that from the letter in question, and from the fact that the woman could not have deposited the securities referred to without her husband's knowledge, he must be considered as having authorised her speculations. It therefore quashed the judgment of the Civil Tribunal, and sent the parties before an accountant to come to a settlement of their affairs.

Review.

Papers read before the Juridical Society. Vol. 2, part 3. London: Maxwell.

The Juridical Society, as our readers are aware, devotes itself almost exclusively to the consideration of subjects of an abstract or scientific character, as opposed to those which fall more properly within the province of the Society for the Amendment of the Law. In the publication before us, therefore, there are some papers which are mainly interesting to the philosophical jurist. Of these we may mention one entitled "Schools of Legislation," by Mr. C. T. Swanston, jun., and another on "Legal Interpretation by Special Reference to Wills," by Mr. F. Vaughan Hawkins. Mr. Swanston's paper is an ingenious attempt to classify schools of legislation according to certain preconceived necessary eras in the life of every civilized state. By legislation he means the "whole body of the laws which at any time the tribunals are called upon to enforce, without reference to the distinction between laws expressly laid down by statutes, or edicts, or codes, and laws which, though equally binding, are not declared or expressed until their violation, or the conflict of litigants requires them to be enforced." Without attempting to trace the beginning of civilization amongst the early Greeks and Romans, or the modern nations of Europe, Mr. Swanston in each case accepts as the foundation of the first school of legislation, those customary laws which were in force at the time among the various, and sometimes hostile, tribes who, having grouped and settled together, became the progenitors and founders of a nation; and he gives us the following five general characteristics of the first school of legislation in all these widely various nations:—

"First, That it collects the scattered customary laws of different tribes, and fuses them into one system of law, as the tribes themselves are fused into one nation. Second, That it not merely establishes civil and penal laws, but it consolidates and ensures the social order of the state, by changes and adjustments which in these days we should term political. Third, That with a view (if one may so speak) to the moral education of the nation, it exercises a minute interference in the affairs of private life—the aim of the legislator being to mould those for whom he legislates into good citizens and subjects. Fourth, That it regards only the welfare of its own nation, to which it considers all surrounding nations to be natural enemies, with whom there may be occasional truces, but, for want of community of interest, no lasting friendship. Fifth, That it is directed to mitigate the savage usages of the barbarous tribes, to whom it affords the first introduction to civilization; for the arts of peace can never flourish till the civil order of the nation has been ensured by its first legislators, who, in a metaphorical sense, do what one of their number did literally—stand on a lonely elevation, in the barren and barbarous wilderness, looking forward upon the goodly land they may never own—the happy times they may never enjoy—the wealth and grandeur they may never partake; but all which they have secured for the nations which their legislation has enabled to start on the course of national progress."

The legislation of the second school, we are told, is the direct results of the conflict of the social elements, and of the new forms and modes of living which the course of national progress produces. It is said to be characterised by the utter absence of science or method; and under this division, Mr. Swanston classes our present English system of legislation.

The two other schools are described in the following epitome, to which for the present we must confine ourselves:—

"3rd. The school of legislation which accompanies the more advanced stages of national development. Like the former, it is the natural product of the social states through which the nation passes, but it is moulded into a logical form and order by the gradual application of the science of jurisprudence; and while the sources of its growth are not cut off, the principles and maxims of the law are evolved into a clear and precise statement, false growths are pruned, and the breath of science gently and gradually dispels the chaos, and arranges into its natural order the system of justice, which reason and experience determine to be the system best suited for the particular nation out of whose social order it naturally arises. 4th. The school of legislation appropriate to nations where a centralized equality is established, and which have arrived at the stage of their development beyond which there is no progress—nations whose future differs only from their present in the capacity for being worse."

Mr. Vaughan Hawkins's paper analyses the process of legal interpretation, and seeks to discover the principles on which it rests. This essay may be taken to be a good example of the advantages which have accrued to the science of jurisprudence from the labours of the Juridical Society, and we recommend it to the perusal of every one who desires to cultivate a knowledge of the science as distinguished from the practice of the law. The nature of the subject is such as to make it impossible for us to make any extracts which would give a reader a fair notion of its general scheme and purport. The remaining papers we have already been enabled to publish almost *in extenso;* and they call for no new comment from us now. Our readers are already familiar with Mr. Phinn's paper on "Corrupt Practices at Elections;" Mr. W. D. Lewis's paper on "Liberty of Opinion in relation to Blasphemous Libels;" Mr. Best's on "Trial by Jury;" Mr. Walker Marshall's, on "Common Law Courts and Equitable Jurisdiction;" and Mr. Fitzjames Stephen's, on "Trial by Jury and the Evidence of Experts." The subject to which the last-mentioned paper refers has since been very fully discussed at the Society of Arts, and at the Law Amendment Society. It is only a few weeks since we printed at length, in these columns, Mr. Marshall's very able defence of the Lord Chancellor's Law and Equity Bill; and our readers have, no doubt, already noticed that Mr. Marshall, as might have been expected, anticipated to considerable extent the arguments contained in the recently published memorial of the Common Law Commissioners. Although we have seen right to object strongly to some of the most important features of that measure, we cannot deny to Mr. Mar-

shall the praise of having made a very vigorous defence of it. Anybody, however, who still doubts the impolicy of the Bill, so far as it seeks to obtain exclusively for courts of common law jurisdiction which is now exercised only in the Court of Chancery, will find in our leading columns some observations upon the subject which may not be unworthy of their attention.

Mr. Lewis's paper on the legal doctrine of blasphemous libel, has been reproduced in America, where it appears to have excited as much interest as it did in this country when it was written. We have already expressed our opinion of the great learning and philosophic spirit which characterise it throughout; and also of our dissent from the validity of some of the arguments used by the learned writer, as well as from his general conclusion. This paper, however, will always be of great value, inasmuch as it raises all the questions relevant to a most important issue, and discusses them on the unpopular side with singular ability.

Mr. Best's essay on "Trial by Jury," is evidently intended to be an answer to Mr. Joseph Brown's pamphlet upon that topic. It is a very temperate and clever argument in favour of the existing state of things, as might have been expected from the author of such a treatise as that on the "Principles of the Law of Evidence."

Upon the whole, this part of the Transactions of the Juridical Society will do it as much credit as any it has yet published; and if the proceedings of the society are not rewarded with any large share of public attention, it may congratulate itself upon the amount and value of the results which it has already achieved, and take courage for the future.

Lord Brougham is engaged in the composition of a complete treatise on the British Constitution. The work will, we understand, be published in the course of the ensuing winter.

Mr. Murray has in the press, and will shortly publish, "Francis Bacon, Lord Chancellor of England." by Hepworth Dixon, being an inquiry into his life and character, based on letters and documents hitherto unpublished.

A deputation in reference to the Bills relating to coroners now before Parliament, had an interview with the Home Secretary on the 18th instant. The deputation was introduced by Mr. Cobbett, M.P., and consisted of Mr. Wakley, Mr. Humphrey, Mr. Bremridge, Mr. Carttar, Mr. Lewis, Mr. Dyson, Mr. Todd, Mr. Phillips, and Mr. Langham, the coroners of Middlesex, Devonshire, Kent, Essex, Yorkshire, Hants, Staffordshire, and Westminster.

A statistical abstract states that in 1859, 128,432 persons emigrated from the United Kingdom, of whom 31,013 went to Australia and New Zealand, 70,303 to the United States, 6,689 to the North American Colonies, and 11,428 to other places. This last number is very much greater than in previous years; but the whole emigration is the smallest of the last fourteen years, with the exception of that of 1858, (which was rather less still), and it is not quite a third of the emigration of 1852.

Court Papers.

Queen's Bench.

NEW CASES.—TRINITY TERM, 1860.

NEW TRIAL PAPER.

Middlesex.	Dixon and Wife *v.* Bush.
"	St. Aubyn and Wife *v.* The London General Omnibus Company Association.
"	Wood *v.* Smith.
London.	Mitchell *v.* Hall.

Births, Marriages, and Deaths.

BIRTHS.

CARPENTER—On June 21, the wife of Alfred B. Carpenter, Esq., of the Middle Temple, of a daughter.

PULLING—On June 25, the wife of Alexander Pulling, Esq., Barrister-at-Law, of a son.

RENDALL—On June 24, the wife of John Rendall, Esq., of the Inner Temple, Barrister-at-Law, of a daughter.

SHERLOCK—On June 23, at Fermoy, county Cork, the wife of J. T. Sherlock, Esq., Solicitor, of a son.

SIMPSON—On June 19, the wife of William Simpson, Esq., Solicitor, Ballyclare, of a son, who survived only a few hours.

MARRIAGES.

BUTLER—HITCHCOCK—On June 20, Mr. William Jameson Butler, of Witham, to Annie Conder, only daughter of the late Samuel Hitchcock, Esq., Solicitor, of Mistley.

GRUBB—STAFF—On June 23, Edward Grubb, Esq., of Gray's-inn, to Frances, second daughter of Mrs. Staff, of Lowestoft.

JONES—SMITH—On June 20, at Caermarthen, Edward Jones, Esq., of Velindre, to Alice Jane, youngest daughter of William Henry Smith, Esq., Barrister-at-Law.

PHILLIPS—CHURCH—On June 16, Mr. James Gastrell Phillips, of Berkeley, Gloucestershire, to Louisa, daughter of Edward Church, Esq., Solicitor, Spital-square, London.

RENNER—NORRIS—On June 18, at Bootle, Mr. John Robinson Renner, to Emma, second daughter of the late James Norris, Esq., Solicitor.

STEENSTRAND—EDGE—On June 21, William Steenstrand, Esq., Merchant, Liverpool, to Jane, second daughter of the late Matthias Edge, Esq., Solicitor, Ormskirk.

DEATHS.

COX—On June 15, at Jersey, John Cox, Esq., Solicitor, formerly of Wrington.

DUNN—On June 19, Henry Augustus, the last surviving son of the late Arthur Dunn, Esq., Barrister-at-Law, of Dublin.

ELLIS—On June 19, suddenly, William Ellis, Esq., late of the Middle Temple, Barrister-at-Law.

HARRISON—On June 22, at Sunderland, Robert Ovington Harrison, Esq., Solicitor, aged 38.

RENDALL—On June 27, Agnes, the infant child of John Rendall, Esq., of the Inner Temple, Barrister-at-Law.

RICHARDS—On June 27, in the 72nd year of his age, William Parry Richards, Esq., second son of the late Sir Richard Richards, formerly Lord Chief Baron of the Exchequer.

TRUWHITT—On June 25, in his 76th year, George Truwhitt, Esq., of 2, Cook's-court, Lincoln's-inn.

WEBSTER—On June 21, Charles Webster, of the Inner Temple, Esq., Barrister-at-Law.

English Funds and Railway Stock.

(Last Official Quotation during the week ending Friday evening.)

	English Funds.	
	Bank Stock	230½
	3 per Cent. Red. Ann..	93
	3 per Cent. Cons. Ann.	..
	New 3 per Cent. Ann..	93½
	New 2½ per Cent. Ann.	..
	Consols for account ..	98¼
	Long Ann. (exp. Apr. 5, 1885)	..
	India Debentures, 1858.	..
	Ditto 1859.	96½
	India Stock	..
	India Loan Scrip.	..
	India 5 per Cent. 1859..	..
	India Bonds (£1000) ..	7 dis.
	Do. (under £1000).....	..
	Exch. Bills (£1000)...	par.
	Ditto (£500).....	..
	Ditto (Small) ..	3 pm.
	Railway Stock.	
Shrs.		
Stock	Birk. Lan. & Ch. Junc.	77
Stock	Bristol and Exeter....	106
Stock	Caledonian	92¾
20	Cornwall	7
Stock	East Anglian	16½
Stock	Eastern Counties	55½
Stock	Eastern Union A. Stock	38
Stock	Ditto B. Stock	27
Stock	East Lancashire	..
Stock	Edinburgh & Glasgow.	78
Stock	Edin. Perth, & Dundee	30½
Stock	Glasgow and South-Western	105
Stock	Great Northern	115
Stock	Ditto A. Stock	115
Stock	Ditto B. Stock	131½
Stock	Gt. Southn. & Westn. (Ireland)	114½
Stock	Great Western	69½
Stock	Lancaster and Carlisle.	..
	Ditto Thirds..	..
	Ditto New Thirds..	..
Stock	Lancash. & Yorkshire	104½

	Railways—*Continued.*	
Shrs.		
Stock	London and Blackwall.	71
Stock	Lon. Brighton & S. Coast	114
25	Lon. Chatham & Dover	12
Stock	London and N.-Wstrn..	101⅝
	Ditto Eighths	10
Stock	London & S.-Westrn.	94½
Stock	Man. Sheff. & Lincoln..	40½
Stock	Midland	117¼
Stock	Ditto Birm. & Derby	97
Stock	Norfolk.....	56
Stock	North British	62⅞
Stock	North-Eastn. (Brwck.)	96½
Stock	Ditto Leeds	52½
Stock	Ditto York	81
Stock	North London.....	106
Stock	Oxford, Worcester, & Wolverhampton ..	46
20	Portsmouth.....	16
Stock	Scottish Central.....	116
Stock	Scot. N. E. Aberdeen Stock	33½
Stock	Do. Scotsh. Mid. Stk.	88
Stock	Shropshire Union	51
Stock	South Devon	46
Stock	South-Eastern	85¾
Stock	South Wales	66
Stock	S. Yorkshire & R. Dun	80
25	Stockton & Darlington	39½
Stock	Vale of Neath	58
	Lines at fixed Rentals.	
Stock	Buckinghamshire	98
Stock	Chester and Holyhead.	52
Stock	Ditto 5½ per Cent...	127
Stock	Ditto 5 per Cent ..	115
Stock	East Lincoln, guar. 6 per Cent	139
50	Hull and Selby	113
Stock	London and Greenwich	63
Stock	Ditto Preference..	120
Stock	Lon., Tilbury, Sthend..	96
Stock	Shrewsbury & Herefd.	106
Stock	Wilts and Somerset ..	95

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

BRIGHT, WILLIAM RICHARD, of Baliol College, Oxford, two dividends on the sum of £1,095 : 8 : 10 Consols.—Claimed by ROBERT BAYLY FOLLETT, and BRENT SPENCER FOLLET, administrator de bonis non of the said Rev. WILLIAM RICHARD BRIGHT.

CLARKE, THOMAS, Rev. JAMES JOHNSON, and SIMON ANSELL, late of Langford, Berks, £50 New Three per Cents.—Claimed by Rev. FRANCIS GREGORY LEMANN, RICHARD BELCHER FRAMPTON, LANCELOT MYERS, and JOHN KING TOMES, pursuant to an order of the County Court of Berk-

shire, dated the 2nd of May, 1860, "In the Matter of the Charity called the Langford Coal Charity, in the parish of Langford, Berks, &c."

MILES, AGATHA, Spinster, Leigh Court, Somerset, £52 : 10 New 3 per Cents.—Claimed by Sir WILLIAM MILES, Bart., M.P., the administrator.

MURRAY, HUGH ROBERTSON, Esq., Lodge-hill, Nairnshire, £1,100 New 3 per Cents.—Claimed by HUGH ROBERTSON MURRAY.

WATTS, ELIZABETH, Spinster, Coldharbour-lane, Camberwell, £25 : 10 : 5 New 3 per Cents.—Claimed by ELIZABETH WATTS.

WILGRESS, JOHN THOMAS, Rev., Sevenoaks, Kent, £200 New 3 per Cents.—Claimed by CHARLES POTT, the surviving executor.

London Gazettes.

Professional Partnership Dissolved

FRIDAY, *June* 29, 1860.

MINSHALL, LUKE, & BENJAMIN HADLEY SANDERS, Attorneys & Solicitors, Bromsgrove, Worcestershire, on June 25, by mutual consent, the business will in future be carried on by Benjamin Hadley Sanders.

Windings-up of Joint Stock Company.

TUESDAY, *June* 26, 1860.

UNLIMITED IN CHANCERY.

CAXTON LIFE ASSURANCE SOCIETY.—V. C. Wood will, on 5th July, at 1, proceed to make a call on contributories for £2 per share.

UNLIMITED, IN CHANCERY.

FRIDAY, *June* 29, 1860.

LONDON AND COUNTY HAIL AND CATTLE INSURANCE COMPANY.—V. C. Stuart will proceed on July 3, at 12, to settle the list of Contributories of this Company.

LIMITED IN BANKRUPTCY.

CORPORATION RESTAURANT COMPANY.—Commissioner Evans order for a call of £1 10s. per share upon all contributories, to be paid on the 9th July, at 11, to W. Bell, 2, Coleman-street-buildings, London.

MARYLEBONE GAS CONSUMERS COMPANY.—Commissioner Holroyd has appointed 19th July, at 1, at Basinghall-street, for creditors to prove their debts.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, *June* 26, 1860.

BROWN, JOHN, Yeoman, Longton, Lancaster (who died on Dec. 21, 1859). Pilkington & Walker, Solicitors, 25, Chapel-walks, within Preston, Lancaster. July 16.

GEE, JOHN, commonly called PORTER GEE, Farmer, Langtoft, Lincolnshire (who died on June 1, 1860) two months from the date hereof. Brown, Solicitor. June 13.

GOODE, JOHN, Farmer & Grazier, Shearsby, Leicestershire (who died on or about Sept. 25, 1859). Watson & Sons, Solicitors, Lutterworth. Aug. 13.

MARTIN, ANN, Widow, 5, Moss-street, Liverpool (who died on March 22, 1860). Haughton, Solicitor, 32, Lord-street, Liverpool. Aug. 7.

POYSER, WILLIAM, Knowbury, Caynham, Salop (who died on Jan. 15, 1860). Salwey, Solicitor, Guildhall, Ludlow, Salop. Aug. 1.

RILEY, JAMES, Shopkeeper, Keighley, Yorkshire (who died on or about Sept 22, 1858). Weatherhead & Burr, Solicitors, Keighley, Yorkshire. Aug. 18.

SLADE, GENERAL SIR JOHN, Bart., late of Montys Court, Somersetshire (who died on Aug. 13, 1859). Smith, Solicitor, Bridgwater. Aug. 11.

FRIDAY, *June* 29, 1860.

ADDY, WILLIAM, Gent., Market Deeping, Lincolnshire (who died on Nov. 27, 1859). Moore & Peake, Solicitors, Sleaford. Sep. 29.

AYTON, ANTHONY, Carpenter & Builder, Cressing and Stisted, Essex (who died on or about July 22, 1859). Veley & Cunnington, Solicitors, Braintree. Aug. 14.

DIXIE, EDWARD, Artificial Flower Manufacturer, formerly of 7, Sidmouth-street, Gray's-inn-road, and late of 3, Myddleton-square, Clerkenwell, Middlesex (who died on June 2, 1860). Hampton, Solicitor, 6, New Boswell-court, Lincoln's-inn, Middlesex. Aug. 1.

LOTAN, JOHN, Coach Proprietor, Oundle, Northamptonshire (who died on Feb. 22, 1859). Wilson, Solicitor, Oundle. Aug. 10.

MARTIN, TIMOTHY, Cheesemonger, Liverpool (who died on April 14, 1832). Houghton, Solicitor, 32, Lord-street, Liverpool. Aug. 1,

MCCABE, ROBERT, Watch & Chronometer Manufacturer, 32, Cornhill, London, and 14, Southwick-crescent, Paddington, and formerly of 6, Kensington Garden-terrace, Hyde-park, Middlesex (who died on or about April 27, 1860). Lofty, Potter, & Son, Solicitors, 36, King-street, Cheapside, London. Aug. 12.

MCPARLIN, PETER, Silk Mercer & Draper, Blackpool, Lancashire (who died on or about May 27, 1859). Banks & Catterall, Solicitors, 9, Lime-street, Preston. July 12.

TURNER, CHARLES, Farmer & Land Valuer, Lake Lock, Stanley, Wakefield (who died on Oct. 23, 1857). Turner, Solicitor, Rothwell, near Leeds. Aug. 10.

WOOD, CHARLES, Esq. Chorley, Lancashire (who died on Nov. 7, 1859). Stanton & Jones, Solicitors, Chorley. July 28.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, *June* 26, 1860.

BAKER, MATTHIAS, Toll End, Tipton, Staffordshire (who died in or about Aug. 1859). Hicking *v.* Roberts. M.R. July 19.

COX, JANE CAROLINE, Widow, Hardwick House, Ham Common, Surrey (who died on Aug. 14, 1858). Cox and Others *v.* Mason and Another, V.C. Stuart. July 13.

ELLIS, WILLIAM, Esq., formerly of New Sarum, Wiltshire, and late of Wrotham, Kent (who died on or about Jan. 14, 1847). Ellis and Others *v.* Ellis and Others, M.R. July 21.

HANSOM, THOMAS (who died on June 7, 1859). Hansom *v.* Bydder, V.C. Stuart. July 23.

HAYWOOD, ALEXANDER, sen., Farmer, Walesby, Nottinghamshire (who died in or about Jan. 1859). Hancock *v.* Heywood, M.R. July 21.

HIPWELL, JOHN, Farmer & Grazier, Swinford, Leicestershire (who died in or about Jan. 1860). Norton *v.* Hipwell, V.C. Wood. July 13.

KEMPE, WILLIAM, formerly a Merchant, late of the Wilts County Asylum, Devizes (who died in or about Jan. 1859). V.C. Stuart. July 20.

MOSS, RICHARD, Longton, Lancaster (who died in or about Oct. 1852). Moss *v.* Breakell, M.R. July 23.

POSTLETHWAITE, JAMES, Silk Mercer & Draper, King-street, Covent-garden, Middlesex (who died in or about April 1860). Postlethwaite *v.* Postlethwaite, V.C. Stuart. Aug. 1.

SHILLITO, THOMAS, Maltster, Knottingley, Yorkshire (who died in or about Oct. 1827). Hine and Another *v.* Jackson and Others, M.R. July 22.

WEEDING, THOMAS, Esq., Mecklenburgh-square, Middlesex (who died in or about Oct. 1856). Randles and Another *v.* Baggallay and Others, V.C. Stuart. Aug. 1.

FRIDAY, *June* 29, 1860.

DIXON, THOMAS, Victualler, Newcastle-upon-Tyne (who died in or about Jan. 1857). Challoner *v.* Dixon & Others, V. C. Stuart. July 24.

FARLEY, FREDERICK, Licensed Victualler, Plumber, & Glazier, Grent Bridge, Staffordshire. Dudley & West Bromwich Banking Company *v.* Spittle, V. C. Wood. July 20.

FITZGERALD, CHARLES, a Colonel in the retired service of the Honourable East India Company, Club Chambers, Regent-street, Middlesex (who died in or about April, 1859). Fitzgerald *v.* Mackintosh & Another, M. R. July 21.

FLOCKTON, THOMAS METCALFE, Merchant, Horsleydown, Surrey (who died in or about Oct., 1850). Flockton *v.* Sice, M. R. July 21.

HINES, JAMES, Carpenter, Eye, Suffolk (who died in or about Aug. 1859). Gissing *v.* Mudd & Others, V. C. Stuart. July 25.

JAMES, DAVID HARRIS, Esq., 90, Tachbrook-street, Pimlico, Middlesex; and of Llwyndwfr, in the parish of Llandissilio, Carmarthenshire (who died in or about December 14, 1858). Morgan *v.* Cooper, V. C. Stuart. July 25.

WOODCOCK, HANNAH, Widow, Bramwith Hall, Yorkshire (who died on or about April 21, 1847). Matthewman & Another *v.* Wheatcroft & Others, V. C. Kindersley. July 19,

Assignments for Benefit of Creditors.

TUESDAY, *June* 26, 1860.

ALLEE, JOHN WILLIAM, Grocer and Provision Merchant, Newbury, Berks. June 22. *Trustees*, W. Allee, Farmer, Guestling, Sussex; R Brind, Grocer & Provision Merchant, Speenham Land, Newbury. *Sol.* Langham, Hastings.

BURGE, JAMES THOMAS, Butcher, Bristol. June 5. *Trustees*, E. Gale, Gent., Doynton, Gloucester; T. Parnell, Easton, in Gordano, Somersetshire. *Sols.* Daniel & Cox, Shannon-court, Bristol.

HAWLEY, ALFRED, Grocer & Provision Merchant, Highcross-street, Leicester. June 1. *Trustees*, J. Swain, Leicester, and B. Whitworth, Wholesale Grocers, Upper Thames-street, London. *Sol.* Haxby, Leicester.

LANE, ABRAHAM, Builder, 4, Buzzard-street, Cardiff. June 12. *Trustees*, J. G. Proger, Plumber, Cardiff; T. Trist, Ironmonger, Cardiff. *Sol.* Williams, 7, Angel-street, Cardiff.

FRIDAY, *June* 29, 1860.

ANGUS, WILLIAM, Currier & Leather Dealer, 20, Byrom-street, Liverpool. June 25. *Trustees*, R. Munday, Leather Factor, Liverpool; J. R. Barrow, Leather Factor, Liverpool. *Sol.* Francis, 4, Pekin-buildings, Harrington-street, Liverpool.

BARROW, ANTHONY JAMES, Bookseller & Printer, Preston. June 25. *Trustees*, J. Fisher, Accountant, Preston; L. C. Gent, Commercial Traveller, London. *Sols.* Pilkington & Walker, Chapel Walks, Preston.

BELL, MARY, Spring Knife Cutler. Sheffield. June 19. *Trustees*, W. Wild; S. Burrows, Fork Manufacturer, Sheffield. *Sol.* Unwin, 42, Queen-street, Sheffield.

BENTON, SAMUEL RAITHBY, Farmer, North Somercotes, Lincolnshire. June 20. *Trustees*, J. Butters, Butcher, North Somercotes; W. Drewery, Farmer, Conisholme, Lincolnshire. *Sols.* Ingoldby & Bell, Louth.

CLARK, GEORGE, & WILLIAM BARRETT, Builders, Northampton. June 7. *Trustees*, J. T. English, Timber Merchant, Peterborough, Northamptonshire; W. Roberts, Ironfounder, Northampton; W. Hill, Timber Merchant, Northampton; S. Green, Brickmaker, Northampton. *Sol.* Becke, Northampton.

FOOT, GEORGE WILKINSON, Trimming Manufacturer, Mumford-court, Milk-street, Cheapside, London. June 18. *Trustees*, A. Steuger, Commission Agent, Gresham-street; H. Chatteris, Accountant, 35, Old Jewry. *Sols.* Fox, Wilson, & Meadows, 52, Gresham House, Old Broad-street, London.

FROST, CHARLES, Carpenter & Builder, Chapel-field road, Norwich. June 16. *Trustee*, G. C. Stevens, Ironmonger, Norwich. *Sol.* Atkinson, Post-office-street, Norwich.

HAYLOCK, HENRY CROPLEY, Chemist & Druggist, Linton, Cambridgeshire. May 30. *Trustees*, D. P. Day, Builder, Linton; L. D. Cagby, Grocer, Ely, Cambridgeshire. *Sol.* Hall, Cambridge and Ely.

SULLY, JOHN, Baker & Shopkeeper, Williton, Somersetshire. June 23. *Trustees*, J. Cording, Miller, Roadwater, Somersetshire; H. Pain, Miller, Curdon Mills, Stogumber, Somersetshire. *Sol.* White, Williton.

SUNDERLAND, SARAH, Lime & Coal Merchant, Sowerby-bridge, Halifax. May 30. *Trustee*, J. H. Cookson, Colliery Agent, Stanley-cum-Wrenthorpe, Wakefield. *Sols.* Harrison & Smith, Chancery-lane, Wakefield.

TAY, JOSEPH, Carrier, Rickmansworth, Hertfordshire. May 24. *Trustees* H. Swannell, Butcher, Rickmansworth; T. Stracy, Baker, Rickmansworth. *Sol.* Rowell, Rickmansworth.

WILLIAMS, CHARLES HENRY, Grocer & Tea Dealer, Truro, Cornwall. June 26. *Trustees*, S. Pascoe, Merchant, Truro; W. Norton, Grocer & Tea Dealer, Truro. *Sols.* Hodge, Hockin, & Marrack, Truro.

WILTON, RICHARD, Grocer, Worksop, Nottinghamshire. June 26. *Trustees*, A. Watson, Bank Manager, Worksop; J. Mason, Wholesale Grocer, Kingston-upon-Hull; W. Leith, Machine Maker, Worksop. *Sols.* Brudhurst & Hodding, Worksop.

Bankrupts.

TUESDAY, *June* 26, 1860.

BAKER, RICHARD, Needle Dealer, Ipsley, Warwickshire. *Com.* Sanders.

July 6 and 27; at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Hodgson & Allen, Birmingham; Browning & Son, Redditch. *Pet.* June 15.

BONSER, THOMAS, Auctioneer, Plungar, Leicestershire. *Com.* Sanders: July 6 and Aug. 2, at 11; Nottingham. *Off. Ass.* Harris. *Sol.* Sollory, Nottingham. *Pet.* June 23.

CRAWFORD, JOSEPH WALKER, Grocer, Lincoln. *Com.* Ayrton: July 18, and Aug. 15, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sol.* Brown & Son, Solicitors. *Pet.* June 23.

FENN, THOMAS, & WILLIAM THOMAS FENN, Wholesale & Export Boot & Shoe Manufacturers, Calvert-street, Norwich, and 120, Fore-street, Cripplegate, London, and Tullerie-street, Hackney-road, Middlesex. *Com.* Goulburn: July 9, at 1.30; and Aug. 6, at 1; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Lumley & Lumley, 41, Ludgate-street, London. *Pet.* June 22.

FRYER, WILLIAM, Boot & Shoe Manufacturer, Norwich (W. Fryer & Co.) *Com.* Holroyd: July 10, at 2, & Aug. 14, at 12: Basinghall-street. *Off. Ass.* Edwards. *Sols.* Jay, 14, Bucklersbury, London; or Jay & Pilgrim, Norwich. *Pet.* June 22.

GANNETT, CHARLES, Outfitter, Bute road, St. Mary's, Cardiff. *Com.* Hill: July 9, & Aug. 21, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Smith, Vassall, & Pope, Bristol. *Pet.* June 11.

HOLDEN, HENRY, Doncaster, & RICHARD WAINMAN HOLDEN, Sheffield, Cattle & Sheep Dealers and Salesmen. *Com.* West: July 7, & Aug. 4, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Smith & Burdekin, Sheffield. *Pet.* June 23.

LILIE, GUSTAVE HERMANN, Tanner & Currier, Black Swan-yard, Bermondsey, Surrey. *Com.* Goulburn: July 9, at 2, & Aug. 6, at 12; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Abrahams, 17, Gresham-street, City. *Pet.* June 19.

PICKSLAY, EDWIN JOHN, Scrivener, Wakefield. *Com.* West: July 12, & Aug. 3, at 11; Leeds. *Off. Ass.* Young. *Sol.* Clarke, Leeds. *Pet.* June 21.

SANDFORD, GEORGE JOSEPH, Linen Draper, Hosier, & Haberdasher, 85, High-street, Marylebone, and 37A, Clerkenwell-green, Middlesex. *Com.* Holroyd: July 6, at 2, & Aug. 7, at 1; Basinghall-street. *Off. Ass.* Lee. *Sol.* Rushbury, 32, Coleman-street, London. *Pet.* June 25.

VERNON, THOMAS WILLIAM, Coal & Ironmaster, Bilston, Staffordshire, and Sparbrook, Worcestershire. *Com.* Sanders: July 11 & 30, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* James & Knight, Birmingham. *Pet.* June 21.

FRIDAY, *June* 29, 1860.

ASHTON, JOHN, Builder & Contractor, St. Paul's-road, Highbury, Middlesex, and Coffee-house Keeper, Ring-cross, Holloway. *Com.* Goulburn: July 11, and Aug. 13, at 1; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Pearpoint, 50, Leicester-square, London. *Pet.* June 26.

BARKER, ROBERT, Boot & Shoe Manufacturer, Maldon, Essex, and of Romford, Essex. *Com.* Fonblanque: July 11, at 11.30; and Aug. 15, at 12; Basinghall-street. *Off. Ass.* Graham. *Sols.* Sole, Turner, & Turner, 68, Aldermanbury, London. *Pet.* June 20.

DOWSON, HENRY, Draper, Newcastle-upon-Tyne. *Com.* Ellison: July 9, and Aug. 7, at 12; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Watson, 10, Arcade, Newcastle-upon-Tyne; Dickinson, Alston; or Harwood & Pattison, 10, Clement's-lane, Lombard-street, London. *Pet.* June 20.

DUNN, JAMES BENJAMIN, & EDWIN FRANCIS ALBERT BOYLE, Commission Agent, 18, New-street, Spring-gardens, Middlesex (Dunn, Boyle, & Co.) *Com.* Goulburn: July 13, at 11.30; and Aug. 13, at 1; Basinghall-st. *Off. Ass.* Pennell. *Sols.* Wilkinson, Stevens, & Wilkinson, 4, Nicholas-lane, City. *Pet.* June 27.

ELLIS, RICHARD, Chemist & Druggist, Northampton. *Com.* Holroyd: July 14, and Aug. 11, at 2; Basinghall-street. *Off. Ass.* Lee. *Sols.* Harrison & Lewis, 6, Old Jewry, London; Gates, Northampton. *Pet.* June 28.

GAISFORD, HENRY, Builder, 5, York-place, Stepney, Middlesex. *Com.* Goulburn: July 11, at 1; and Aug. 13, at 1.30; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Orchard, 3, John-street, Bedford-row, London. *Pet.* June 27.

GRIDLEY, GEORGE, Coach Maker & Cab Proprietor, 1, Matilda-street, Caledonian-road, Islington, Middlesex. *Com.* Goulburn: July 11, at 2.30; and Aug. 14, at 1.30; Basinghall-street. *Off. Ass.* Edwards. *Sol.* Murrough, 5, New-inn, Strand, London. *Pet.* June 27.

HURST, JOHN ARNOLD, Mantle Manufacturer, 1, Ludgate-street, London. *Com.* Holroyd: July 10, at 2.30; and Aug. 14, at 2; Basinghall-street. *Off. Ass.* Lee. *Sol.* Mardon, Christchurch Chambers, 99, Newgate-street, London. *Pet.* June 26.

MCALPINE, JOHN, Jun., Bleacher, Newington-road, Balls-pond, Middlesex. *Com.* Goulburn: July 11, at 11: and Aug. 13, at 12; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Richards, 16, Warwick-street, Regent-street, London. *Pet.* June 26.

PENNY, ALFRED, Coal Merchant, 2, Richmond-villas, Holloway, Middlesex, and late of Wharf-road, City-road, Middlesex, and of Lloyd's Coffee House, London, Underwriter. *Com.* Holroyd: July 11, at 2.30; and Aug. 21, at 12; Basinghall-street. *Off. Ass.* Lee. *Sol.* Reed, 3, Gresham-street, London. *Pet.* June 28.

RYDER, THOMAS, Merchant, 150, Leadenhall-street, London (Ryder & Co.) *Com.* Holroyd: July 14, at 12; and Aug. 14, at 1; Basinghall-street *Off. Ass.* Edwards. *Sol.* Stopher, 36, Coleman-street, London. *Pet.* for arrangement adjourned into Court, May 15.

SUTTON, AMBROSE, Corn Miller, Cowley-vale, St. Helen's, Lancaster, lately carrying on business in co-partnership with William Whittingham, at St. Helen's, Lancaster, as Corn Millers (Samuel Tomlinson & Co.) *Com.* Perry: July 10 & 30, at 12; Liverpool. *Off. Ass.* Morgan. *Sols.* Ansdell, St. Helen's; Evans, Son, & Sandys, Commerce-court, Lord-street, Liverpool. *Pet.* June 19.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *June* 26, 1860.

COX, STEPHEN, Chemical Manufacturer & Farmer, Natham Chemical Works, St. George, Gloucestershire, Temple Park, Bristol, and of Brislington, Somersetshire. July 19, at 11; Bristol.—FREEMAN, SAMUEL, & JOHN CLIFFORD, Elastic Web Manufacturers, Leicester. July 19, at 11; Nottingham.—GOODACRE, RICHARD, Grocer & Tea Dealer, Nottingham. July 19, at 11: Nottingham.—GOODFELLOW, JOHN, Cabinet Maker, 23, Earl-street, Coventry. July 27, at 11; Birmingham.—JEFFS, CHARLES, Leather Cutter, 40, Hockley, Nottingham. July 17, at 11; Nottingham.—NIMMO, WILLIAM, Cotton Spinner & Cotton Manufacturer, Wellington Mills, Pendleton, Manchester. July 19, at 12; Manchester.—PARNELL, JOHN, Linen Draper, Hosier, & Haberdasher, 211, Oxford-street, Middlesex. July 17, at 1; Basinghall-street.—RIGBY, THOMAS THRELFALL, Merchant, Broker & Commission Agent, Runcorn, Chester (Threlfall, Rigby & Co.) July 17, at 11; Liverpool.—WILKINSON, THOMAS JAMES, Surgeon & Apothecary, Hulme, Manchester. July 19, at 12; Manchester.—WINWOOD, THOMAS, Grocer & Tea Dealer, Neath, Glamorganshire. July 26, at 11; Bristol.—WOOTTON, JAMES, Builder, Oxford-street, Leicester. June 19, at 11; Nottingham.—YOUNG, WILLIAM WESTON, JOSEPH WESTON YOUNG, & GEORGE YOUNG, Millers, & Corn & Provision Merchants, Neath, Glamorganshire; joint estate and separate estate. July 19, at 11; Bristol.

FRIDAY, *June* 29, 1860.

BALDWIN, JOHN BARTON, Merchant, Whitkirk, Yorkshire. July 20, at 11; Leeds.—BOTHWELL, SAMUEL, Builder, Dorking, Surrey. July 11, at 1; Basinghall-street.—BYRNE, JOSEPH CHARLES, Emigration Agent and Merchant (J. C. Byrne & Co.), 12, Pall Mall East, and 4, Sun-court, London. July 24, at 2; Basinghall-street.—CHAMBERLIN, JOHN, Wheelwright, 36, Rupert-street, Haymarket, Middlesex. July 11, at 2; Basinghall-street.—CULVERWELL, JOHN, Miller & Corn Dealer, Washford Mills and Williton Mills, Somersetshire. July 26, at 11; Exeter.—GAUWIN, DENNIS EME, Ship Broker, Liverpool (D. Eme, Gauwin, & Co). July 24, at 11; Liverpool.—HELLINGS, JAMES, Cowkeeper, 31, Edgware-road, Paddington, Middlesex. July 20, at 11; Basinghall-street.—JACKSON, JOHN, Corn Miller, & Flour Dealer, Fleet Mills, Oulton, near Leeds. July 20, at 11; Leeds.—MOSS, STEPHEN, & WILLIAM ASHWORTH, Fustian Cutters, Dyers, & Finishers, Woodmill, Stansfield, Halifax (Moss & Ashworth). July 20, at 11; Sheffield.—PARRY, SAMUEL, Boarding & Lodging-house Keeper, 78, & 79, Queen-street, Cheapside, London, and 25, Mildmay Park, Islington, Middlesex. July 19, at 12; Basinghall-street.—TAYLOR, PETER, Licensed Victualler, and Ironmonger, Bridge-street, Saffron Walden, Essex. July 20, at 1; Basinghall-street.—TIDBURY, CHARLES HOLLINGSWORTH, Wharfinger, & Artificial Manure Manufacturer, Lavender Dock Wharf, Surrey, and 11, Great James-street, Bedford-row, Middlesex. July 20, at 1; Basinghall-street.—TYLER, ROBERT LUKE, Wine Merchant, Spalding, Lincolnshire. July 24, at 11.30; Nottingham.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *June* 26, 1860.

CLAYTON, EPAPHRAS, Grocer & Provision Dealer, Openshaw, Manchester. July 18, at 12: Manchester.—LEGGE, JOHN, Iron Manufacturer & Beer Retailer, Walsall, Staffordshire. July 20, at 11; Birmingham.—RAY, WILLIAM, Ship Owner, 3, Norman-terrace, Wellington-road, Stockwell, Surrey. July 18, at 11.30; Basinghall-street.—WIDOWSON, DAVID, Lace Manufacturer, Nottingham. July 24, at 11.30; Nottingham.

FRIDAY, *June* 29, 1860.

ALLEN, VINCENT, Draper, Newport, Monmouthshire. July 31, at 11; Bristol.—BOX, JOHN, & HENRY JOHN LEWIS, Corn Merchants, Gloucester. July 24, at 11; Bristol.—FAITHFULL, WALTER, Linen Agent, 10, Ironmonger-lane, London. July 19, at 1; Basinghall-street.—FERGUSON, JOHN STRETTON, Builder, Nottingham. July 24, at 11.30; Nottingham.—FOWLES, FRANCIS JOHN, & HENRY HUNTER, Oil & Soap, & General Merchants, & Manufacturers. July 19. at 2.30; Basinghall-street.—GROSE, NICHOLAS MALE, Wine & Spirit Merchant, Wadbridge, Cornwall. July 25, at 1; Exeter.—HELLINGS, JAMES, Cowkeeper, 31. Edgware-road, Paddington, Middlesex. July 20, at 11; Basinghall-street.—HOLLAND, THOMAS, Manufacturer of Hosiery, 25, Rheidol-terrace, Islington, Middlesex. Aug. 9, at 12.30; Basinghall-street.—JACKSON, WILLIAM, Surgeon & Apothecary, 42, Brewers-street, Somers Town, and also carrying on business at 10, Queen's-terrace, Maiden-lane, Camden Town, Middlesex, as Butcher. July 26, at 12; Basinghall-street. MILBURN, FREDERICK WILLIS, Boarding-house Keeper & Victualler, 49, Westbourne-park-villas, Middlesex. July 20, at 12.30; Basinghall-street.—RUSSELL, JOHN THOMAS, Linen Draper, Northampton. July 26, at 12.30; Basinghall-street.—SIMMONS, THOMAS, Warehouseman, Cheapside, London, and Fairmead-villas, Albert-road, Peckham, Surrey. July 19, at 2; Basinghall-street.—SMITH, EDWARD, Printer & Stationer, Birmingham. July 23, at 11; Birmingham.—SUTER, GEORGE THOMAS, Confectioner, Weymouth & Melcombe Regis, Dorsetshire. July 25, at 1; Exeter.—WILLIAMS, JOHN, Surgeon & Apothecary, Pontypool, Monmouthshire. July 24, at 11; Bristol.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *June* 26, 1860.

DAVIDSON, SAMUEL, & ADOLPH KANTER, Importers of Foreign Merchandise & General Merchants, 14A, St. Mary Axe, London (Davidson, Pfahl, & Co.) June 22, 2nd class.—MILLS, GEORGE FREDERICK, Innkeeper, Tamworth, Warwickshire. June 25, 2nd class.—MOUNTFORD, JOHN, Parian Manufacturer, Stoke-upon-Trent, Staffordshire. June 25, 3rd class.—ROBERTS, WILLIAM, Builder, Coventry. June 15, 3rd class, after 3 months' suspension.—TANNER, ROBERT, Tea Dealer & Grocer, 3, Maryland-street, Stratford, Essex. June 22, 3rd class.

FRIDAY, *June* 29, 1860.

CHARD, THOMAS, Agent for the sale of Flour, 17, King-square, Bristol. June 25, 2nd class, after a suspension of 1 month, with protection.—CRANE, JOSEPH ALLISON, Merchant, St. John, New Brunswick, British North America, now temporarily resident at 7, King-street, Cheapside, London. June 26, 2nd class.—JOHNSON, STEPHEN ADOLPHUS, Commission Agent, 9, Broad-street-buildings, London. June 28, 3rd class.—MARRIS, WILLIAM, Draper, Nottingham. June 26, 3rd class.—PARRY, SAMUEL, Boarding & Lodging-house Keeper, 78 & 79, Queen-street, Cheapside, London, and 25, Mildmay-park, Islington. June 22, 1st class.—SOUTHWARD, JACKSON, Printer & Stationer, 119, Fitt-street, Liverpool. June 19, 2nd class.

Scotch Sequestrations.

TUESDAY, *June* 26, 1860.

LOCKHART, JOHN, Cattle Salesman, Glasgow. July 4, at 12; Faculty-hall, St. George's-place, Glasgow. *Sec* June 21.

FRIDAY, *June* 29, 1860.

BINNIE, ARCHIBALD, Brickmaker, Camlachie, Glasgow. July 5, at 12; Faculty-hall, St. George's-place, Glasgow. *Sec.* June 25.